

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart E - Attendance and Leave
CHAPTER 63 - LEAVE

01/03/95

SUBCHAPTER I - ANNUAL AND SICK LEAVE

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(FOOTNOTE 1) So in original. Two sections 6327 have been enacted.

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(FOOTNOTE 2) Editorially supplied. Section added by Pub. L. 103-329 without corresponding amendment of chapter analysis.

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AMENDMENTS

1994 - Pub. L. 103-329, title VI, Sec. 629(a)(2)(B), Sept. 30, 1994, 108 Stat. 2423, added item 6327 relating to absence in connection with serving as a bone-marrow or organ donor.

1993 - Pub. L. 103-103, Sec. 5(a)(2), Oct. 8, 1993, 107 Stat. 1023, substituted "Authority to participate in both programs" for "Limitation on employee participation" in item 6373.

Pub. L. 103-3, title II, Sec. 201(a)(2), Feb. 5, 1993, 107 Stat. 23, added heading of subchapter V and items 6381 to 6387.

1990 - Pub. L. 101-508, title VII, Sec. 7202(i)(2), Nov. 5, 1990, 104 Stat. 1388-337, inserted "and nonappropriated fund" after "office" in item 6312.

1988 - Pub. L. 100-566, Sec. 2(d)(1)(B), Oct. 31, 1988, 102 Stat.

2844, which provided that the table of sections for subchapters III and IV were to be repealed effective 5 years after Oct. 31, 1988, was repealed by Pub. L. 103-103, Sec. 2, Oct. 8, 1993, 107 Stat. 1022, effective Oct. 30, 1993.

Pub. L. 100-566, Sec. 2(b), Oct. 31, 1988, 102 Stat. 2843, added heading of subchapter III and items 6331 to 6340 and heading of subchapter IV and items 6361 to 6373.

1975 - Pub. L. 94-183, Sec. 2(27), Dec. 31, 1975, 89 Stat. 1058, struck out item 6309 "Leave of absence; rural carriers".

1970 - Pub. L. 91-563, Sec. 1(b), Dec. 19, 1970, 84 Stat. 1476, included witness service and official duty status for certain witness service in item 6322.

1968 - Pub. L. 90-588, Sec. 1(b), Oct. 17, 1968, 82 Stat. 1151, added item 6326.

Pub. L. 90-367, Sec. 2(b), June 29, 1968, 82 Stat. 277, added item 6312.

1967 - Pub. L. 90-221, Sec. 3(b), Dec. 23, 1967, 81 Stat. 671, added item 6325.

1966 - Pub. L. 89-747, Sec. 1(3), Nov. 2, 1966, 80 Stat. 1179, inserted reference to leave for crews of vessels in item 6305.

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 4703 of this title; title 20 section 241; title 24 section 225e; title 25 sections 2011, 2012.

5 USC SUBCHAPTER I - ANNUAL AND SICK LEAVE

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES PART III - EMPLOYEES Subpart E - Attendance and Leave CHAPTER 63 - LEAVE SUBCHAPTER I - ANNUAL AND SICK LEAVE

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 5508, 5551, 6332, 6337, 6362, 6382, 8339 of this title; title 7 section 1766c; title 20 section 241; title 22 section 3942; title 28 sections 153, 156, 603, 631, 634, 712, 752, 794; title 42 section 242l.

5 USC Sec. 6301

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
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Sec. 6301. Definitions

-STATUTE-

For the purpose of this subchapter -

(1) "United States", when used in a geographical sense means the several States and the District of Columbia; and

(2) "employee" means -

(A) an employee as defined by section 2105 of this title; and

(B) an individual first employed by the government of the District of Columbia before October 1, 1987;

but does not include -

(i) a teacher or librarian of the public schools of the District of Columbia;

(ii) a part-time employee who does not have an established regular tour of duty during the administrative workweek;

(iii) a temporary employee engaged in construction work at an hourly rate;

(iv) an employee of the Panama Canal Commission when employed on the Isthmus of Panama;

(v) a physician, dentist, or nurse in the Veterans Health Administration of the Department of Veterans Affairs;

(vi) an employee of either House of Congress or of the two Houses;

(vii) an employee of a corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors;

(viii) an alien employee who occupies a position outside the United States, except as provided by section 6310 of this title;

(ix) a "teacher" or an individual holding a "teaching position" as defined by section 901 of title 20;

(x) an officer in the executive branch or in the government

of the District of Columbia who is appointed by the President and whose rate of basic pay exceeds the highest rate payable under section 5332 of this title;

(xi) an officer in the executive branch or in the government of the District of Columbia who is designated by the President, except a postmaster, United States attorney, or United States marshal;

(xii) a chief of mission (as defined in section 102(a)(3) of the Foreign Service Act of 1980); or

(xiii) an officer in the legislative or judicial branch who is appointed by the President.

Notwithstanding clauses (x)-(xii) of paragraph (2), the term "employee" includes any member of the Senior Foreign Service or any Foreign Service officer (other than a member or officer serving as chief of mission or in a position which requires appointment by and with the advice and consent of the Senate) and any member of the Foreign Service commissioned as a diplomatic or consular officer, or both, under section 312 of the Foreign Service Act of 1980.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 517; Pub. L. 91-375, Sec. 6(c)(17), Aug. 12, 1970, 84 Stat. 776; Pub. L. 95-519, Sec. 1, Oct. 25, 1978, 92 Stat. 1819; Pub. L. 96-70, title III, Sec. 3302(e)(2), Sept. 27, 1979, 93 Stat. 498; Pub. L. 96-465, title II, Sec. 2312(a), 2314(f)(1), Oct. 17, 1980, 94 Stat. 2166, 2168; Pub. L. 99-335, title II, Sec. 207(c)(1), formerly Sec. 207(c), June 6, 1986, 100 Stat. 595, renumbered Sec. 207(c)(1), Pub. L. 99-556, title II, Sec. 201(1), Oct. 27, 1986, 100 Stat. 3135; Pub. L. 102-54, Sec. 13(b)(2), June 13, 1991, 105 Stat. 274.)

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Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
(1)	5 U.S.C. 2061(d).	Sept. 6, 1960, Pub. L. 86-707, Sec. 402(c), 74 Stat. 800.
(2)	5 U.S.C. 2061(a),	Oct. 30, 1951, ch.

(b), (c)(1) (less 631, Sec. 202, 65
last sentence). Stat. 679.
July 2, 1953, ch.
178, Sec. 1 "(c)(1)
(less last
sentence)", 67
Stat. 136.
Sept. 6, 1960, Pub.
L. 86-707, Sec.
402(a), 74 Stat.
800.
Aug. 21, 1964, Pub.
L. 88-471, Sec.
6(a), 78 Stat. 583.
5 U.S.C. 2067. Aug. 21, 1964, Pub.
L. 88-471, Sec. 1,
78 Stat. 582.
5 U.S.C. 2358(a) July 17, 1959, Pub.
(less applicability L. 86-91, Sec.
to the Federal 10(a) (less
Employees Pay Act applicability to
of 1945, as the Federal
amended). Employees Pay Act
of 1945, as
amended), 73 Stat.
217.

In paragraph (1), the words "when used in a geographical sense"
are added for clarity.

In paragraph (2), the words "an employee as defined by section
2105 of this title" are coextensive with and substituted for
"civilian officers and employees of the United States . . .
including officers and employees of corporations wholly owned or
controlled by the United States". Specific reference to officers
and members of the Metropolitan Police force of the District of
Columbia, the Fire Department of the District of Columbia, the
United States Park Police force, and the White House Police force,
as set forth in former section 2067, is omitted as unnecessary in
view of the provisions of paragraph (2)(A), (B). The exception for
"commissioned officers of the Public Health Service" and
"commissioned officers of the Coast and Geodetic Survey" in
former section 2061(b)(1)(E), (F) is omitted as unnecessary since
these officers are excluded by the definition of the word

"employee" in section 2105.

In paragraph (2)(ix), the words "as defined by section 901 of title 20" are added on authority of former section 2351, which section is scheduled for transfer to section 901 of title 20.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

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REFERENCES IN TEXT

Section 102(a)(3) of the Foreign Service Act of 1980, referred to in par. (2)(xii), was redesignated section 102(3) of that Act by Pub. L. 98-164, which struck out the designation "(a)" and struck out subsec. (b) of section 102. Section 102 is classified to section 3902 of Title 22, Foreign Relations and Intercourse.

Section 312 of the Foreign Service Act of 1980, referred to in text, is classified to section 3952 of Title 22.

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AMENDMENTS

1991 - Par. (2)(v). Pub. L. 102-54 substituted "Veterans Health Administration of the Department of Veterans Affairs" for "Department of Medicine and Surgery, Veterans' Administration".

1986 - Par. (2)(B). Pub. L. 99-335 amended subpar. (B) generally, substituting "first employed" for "employed" and inserting "before October 1, 1987".

1980 - Pub. L. 96-465, Sec. 2312(a), inserted provision at end of par. (2) extending definition of "employee" notwithstanding cls. (x) to (xii) of par. (2).

Par. (2)(xii). Pub. L. 96-465, Sec. 2314(f)(1), substituted "a chief of mission (as defined in section 102(a)(3) of the Foreign Service Act of 1980)" for "an officer who receives pay under section 866 of title 22".

1979 - Par. (2)(iv). Pub. L. 96-70 substituted "Panama Canal Commission" for "Canal Zone Government or the Panama Canal Company".

1978 - Par. (2)(xiii). Pub. L. 95-519 added cl. (xiii).

1970 - Par. (2)(ii). Pub. L. 91-375 struck out ", except an hourly employee in the postal field service," after "part-time employee".

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-335 effective Jan. 1, 1987, see section 702(a) of Pub. L. 99-335, set out as an Effective Date note under

section 8401 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-519 effective beginning on first day of first applicable pay period beginning on or after Oct. 25, 1978, see section 4(a) of Pub. L. 95-519, set out as a note under section 5551 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-388, Sec. 1, Oct. 22, 1994, 108 Stat. 4079, provided that: "This Act (amending section 6307 of this title) may be cited as the 'Federal Employees Family Friendly Leave Act'."

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-103, Sec. 1, Oct. 8, 1993, 107 Stat. 1022, provided that: "This Act (amending sections 6331, 6337, 6361, 6362, and 6373 of this title, enacting provisions set out as notes under section 6331 of this title, and repealing provisions set out as a note under section 6331 of this title) may be cited as the 'Federal Employees Leave Sharing Amendments Act of 1993'."

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-566, Sec. 1, Oct. 31, 1988, 102 Stat. 2834, provided that: "This Act (enacting subchapters III and IV of this chapter, amending sections 5724 and 8112 of this title, and enacting provisions set out as notes under section 6331 of this title) may be cited as the 'Federal Employees Leave Sharing Act of 1988'."

EMPLOYEES OF THE DISTRICT OF COLUMBIA

Pub. L. 99-335, title II, Sec. 207(c)(2), as added Pub. L. 99-556, title II, Sec. 201, Oct. 27, 1986, 100 Stat. 3135, provided that: "The amendment made by paragraph (1) (amending this section)

shall not result in the coverage, under subchapter I of chapter 63 of title 5, United States Code, of any individual (or class of individuals) employed by the government of the District of Columbia who would not have been covered under such subchapter if such amendment had not been made."

EXECUTIVE ORDER NO. 10540

Ex. Ord. No. 10540, June 29, 1954, 19 F.R. 3983, which related to the designation of certain officers as exempt from the Annual and Sick Leave Act of 1951, was revoked by section 2-201 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out as a note under section 1101 of this title.

CROSS REFERENCES

Leave, members of armed forces, entitlement and accumulation, see section 701 et seq. of Title 10, Armed Forces.

Leaves of absence in United States to personnel of Department of Veterans Affairs assigned to the Republic of the Philippines, see section 707 of Title 38, Veterans' Benefits.

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5551, 6302, 6305, 6306, 6308, 6325, 6331, 6361, 6381, 8339 of this title.

5 USC Sec. 6302

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Sec. 6302. General provisions

-STATUTE-

(a) The days of leave provided by this subchapter are days on

which an employee would otherwise work and receive pay and are exclusive of holidays and nonworkdays established by Federal statute, Executive order, or administrative order.

(b) For the purpose of this subchapter an employee is deemed employed for a full biweekly pay period if he is employed during the days within that period, exclusive of holidays and nonworkdays established by Federal statute, Executive order, or administrative order, which fall within his basic administrative workweek.

(c) A part-time employee, unless otherwise excepted, is entitled to the benefits provided by subsection (d) of this section and sections 6303, 6304(a), (b), 6305(a), 6307, and 6310 of this title on a pro rata basis.

(d) The annual leave provided by this subchapter, including annual leave that will accrue to an employee during the year, may be granted at any time during the year as the head of the agency concerned may prescribe.

(e) If an officer excepted from this subchapter by section 6301(2)(x)-(xiii) of this title, without a break in service, again becomes subject to this subchapter on completion of his service as an excepted officer, the unused annual and sick leave standing to his credit when he was excepted from this subchapter is deemed to have remained to his credit.

(f) An employee who uses excess annual leave credited because of administrative error may elect to refund the amount received for the days of excess leave by lump-sum or installment payments or to have the excess leave carried forward as a charge against later-accruing annual leave, unless repayment is waived under section 5584 of this title.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 517; Pub. L. 93-181, Sec. 4, Dec. 14, 1973, 87 Stat. 706; Pub. L. 95-519, Sec. 2, Oct. 25, 1978, 92 Stat. 1819.)

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Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
(a)-(c)	5 U.S.C. 2064 (less (d), (e)).	Oct. 30, 1951, ch. 631, Sec. 205 (less (d)), 65 Stat. 681.

- (d) 5 U.S.C. 2062(h). Oct. 30, 1951, ch.
631, Sec. 203(h),
65 Stat. 681.
- (e) 5 U.S.C. 2061a(b). July 2, 1953, ch.
178, Sec. 2(b), 67
Stat. 137.

In subsection (d), the words "the head of the agency concerned" are substituted for "the heads of the various departments and independent establishments".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1978 - Subsec. (e). Pub. L. 95-519 substituted "6301(2)(x)-(xiii)" for "6301(2)(x)-(xii)".

1973 - Subsec. (f). Pub. L. 93-181 added subsec. (f).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-519 effective beginning on first day of first applicable pay period beginning on or after Oct. 25, 1978, see section 4(a) of Pub. L. 95-519, set out as a note under section 5551 of this title.

TEMPORARY AUTHORITY TO TRANSFER LEAVE

Pub. L. 101-237, title II, Sec. 206(b)(2), Dec. 18, 1989, 103 Stat. 2068, provided that: "The authority of the Department of Veterans Affairs under section 618 of the Treasury, Postal Service and General Government Appropriations Act, 1989 (Pub. L. 100-440, set out below), to operate a leave-transfer program for employees subject to section 4108 of title 38, United States Code, is extended until the programs provided for in subsection (e) of such section 4108 (as added by subsection (a) of this section) are implemented, but not later than October 1, 1990."

Similar provisions were contained in the following acts:

Pub. L. 101-144, title V, Sec. 518, Nov. 9, 1989, 103 Stat. 874.

Pub. L. 101-110, Sec. 1(d), Oct. 6, 1989, 103 Stat. 682.

Pub. L. 100-440, title VI, Sec. 618, Sept. 22, 1988, 102 Stat. 1755, provided that: "In order to ensure that the experimental use of voluntary leave transfers established under Public Laws 99-500, 99-591 (Pub. L. 99-500, Sec. 101(m) (title VII), Oct. 18, 1986, 100 Stat. 1783-308, 1783-334, and Pub. L. 99-591, Sec. 101(m) (title VII), Oct. 30, 1986, 100 Stat. 3341-308, 3341-334), and 100-202 (Pub. L. 100-202, Sec. 101(m) (title VI, Sec. 625), Dec. 22, 1987, 101 Stat. 1329-390, 1329-430) may continue and may cover additional

employees in fiscal year 1989, the Office of Personnel Management may continue to operate by regulation, notwithstanding chapter 63 of title 5, United States Code, a program under which the unused accrued annual leave of officers or employees of the Federal Government may be transferred for use by other officers or employees who need such leave due to a personal emergency as defined in the regulations. The Office may provide by regulation for such exceptions from the provisions of section 7351 of title 5 as the Office may determine appropriate for the transfer of leave under this section. The Veterans' Administration may operate a similar program for employees subject to section 4108 of title 38, United States Code. The programs operated under this section shall expire at the end of fiscal year 1989, but any leave that has been transferred to an officer or employee under the programs shall remain available for use until the personal emergency has ended, and any remaining unused transferred leave shall, to the extent administratively feasible, be restored to the leave accounts of the officers or employees from whose accounts it was originally transferred."

Similar provisions were contained in the following prior appropriations act:

Pub. L. 100-202, Sec. 101(m) (title VI, Sec. 625), Dec. 22, 1987, 101 Stat. 1329-390, 1329-430.

For provisions ratifying any actions of the Secretary of Veterans Affairs in carrying out section 618 of Pub. L. 100-440, set out above, during the period Dec. 1, 1989 to Dec. 18, 1989, see section 604 of Pub. L. 101-237, set out as a note under section 1720B of Title 38, Veterans' Benefits.

Similar provisions for the period Oct. 1, 1989 to Oct. 6, 1989, were contained in section 3(b) of Pub. L. 101-110, set out as a note under section 1720B of Title 38.

CROSS REFERENCES

Officers to whom this subchapter applies not entitled to pay solely because of their status as officers, see section 5508 of this title.

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Sec. 6303. Annual leave; accrual

-STATUTE-

(a) An employee is entitled to annual leave with pay which accrues as follows -

(1) one-half day for each full biweekly pay period for an employee with less than 3 years of service;

(2) three-fourths day for each full biweekly pay period, except that the accrual for the last full biweekly pay period in the year is one and one-fourth days, for an employee with 3 but less than 15 years of service; and

(3) one day for each full biweekly pay period for an employee with 15 or more years of service.

In determining years of service, an employee is entitled to credit for all service of a type that would be creditable under section 8332, regardless of whether or not the employee is covered by subchapter III of chapter 83. However, an employee who is a retired member of a uniformed service as defined by section 3501 of this title is entitled to credit for active military service only if -

(A) his retirement was based on disability -

(i) resulting from injury or disease received in line of duty as a direct result of armed conflict; or

(ii) caused by an instrumentality of war and incurred in line of duty during a period of war as defined by sections 101 and 1101 of title 38;

(B) that service was performed in the armed forces during a war, or in a campaign or expedition for which a campaign badge has been authorized; or

(C) on November 30, 1964, he was employed in a position to which this subchapter applies and thereafter he continued to be so employed without a break in service of more than 30 days.

The determination of years of service may be made on the basis of an affidavit of the employee. Leave provided by this subchapter accrues to an employee who is not paid on the basis of biweekly pay periods on the same basis as it would accrue if the employee were

paid on the basis of biweekly pay periods.

(b) Notwithstanding subsection (a) of this section, an employee whose current employment is limited to less than 90 days is entitled to annual leave under this subchapter only after being currently employed for a continuous period of 90 days under successive appointments without a break in service. After completing the 90-day period, the employee is entitled to be credited with the leave that would have accrued to him under subsection (a) of this section except for this subsection.

(c) A change in the rate of accrual of annual leave by an employee under this section takes effect at the beginning of the pay period after the pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, in which the employee completed the prescribed period of service.

(d) Leave granted under this subchapter is exclusive of time actually and necessarily occupied in going to or from a post of duty and time necessarily occupied awaiting transportation, in the case of an employee -

- (1) to whom section 6304(b) of this title applies;
- (2) whose post of duty is outside the United States; and
- (3) who returns on leave to the United States, or to his place of residence, which is outside the area of employment, in its territories or possessions including the Commonwealth of Puerto Rico.

This subsection does not apply to more than one period of leave in a prescribed tour of duty at a post outside the United States.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 518; Pub. L. 93-181, Sec. 2, Dec. 14, 1973, 87 Stat. 705; Pub. L. 99-335, title II, Sec. 207(d), June 6, 1986, 100 Stat. 595; Pub. L. 102-83, Sec. 5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-378, Sec. 2(52), Oct. 2, 1992, 106 Stat. 1353.)

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Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
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5 U.S.C. 2062(a), (b), (e), (i).	Oct. 30, 1951, ch. 631, Sec. 203(a),
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(b), (e), (i), 65
 Stat. 679-681.
 Sept. 6, 1960, Pub.
 L. 86-707, Sec. 401
 "(e)", 74 Stat.
 799.
 Aug. 19, 1964, Pub.
 L. 88-448, Sec.
 203, 78 Stat. 487.
 5 U.S.C. 3101 (as Aug. 19, 1964, Pub.
 applicable to 5 L. 88-448, Sec. 101
 U.S.C. 2062(a)). (as applicable to
 Sec. 203), 78 Stat.
 484.

 In subsection (a), the words "Except as otherwise provided in this subsection" are omitted as unnecessary in view of the specific inclusion of the exception in the third sentence. The words "for the purposes of this subsection" are omitted as surplusage. The reference to "section 8332 of this title for the purpose of an annuity under subchapter III of chapter 83 of this title" is substituted for "section 3 of the Civil Service Retirement Act for the purposes of an annuity under such Act to reflect the codification of that Act in this title. In paragraph (B), the words "on November 30, 1964, he was employed in a position to which this subchapter applies and thereafter he continued to be so employed" are substituted for "immediately prior to the effective date of this sentence he was employed in a civilian office to which this Act applies and, on and after such date, he continued to be employed in any such office".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1992 - Subsec. (a). Pub. L. 102-378 amended second sentence generally. Prior to amendment, second sentence read as follows: "In determining years of service, an employee is entitled to credit for all service creditable under section 8332 of this title for the purpose of an annuity under subchapter III of chapter 83 of this title and all service creditable under section 8411 of this title for the purpose of chapter 84 of this title."

1991 - Subsec. (a)(A)(ii). Pub. L. 102-83 substituted reference to section 1101 of title 38 for reference to section 301 of title

38.

1986 - Subsec. (a). Pub. L. 99-335 inserted "and all service creditable under section 8411 of this title for the purpose of chapter 84 of this title" at end of second sentence.

1973 - Subsec. (b). Pub. L. 93-181 substituted "an employee whose current employment is limited to less than 90 days is entitled" and "under successive appointments" for "an employee is entitled" and "under one or more appointments" respectively.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 9 of Pub. L. 102-378 provided that:

"(a) In General. - Except as otherwise provided in this section, this Act and the amendments made by this Act (see Tables for classification) shall take effect as of the date of enactment of this Act (Oct. 2, 1992).

"(b) Exceptions. - (1) The amendment made by section 4(c) (amending provisions set out as a note under section 31-2 of Title 2, The Congress) shall be effective as of December 31, 1991.

"(2) The amendments made by section 5(d) (amending section 8440d of this title) shall be effective as of December 9, 1991.

"(3) The amendments made by sections 2(13) and 2(17) (amending section 4109 of this title and repealing section 3342 of this title) shall be effective as of October 1, 1991.

"(4) The amendments made by sections 2(11), 2(19), 2(29), and 2(38) (amending sections 3324, 4505a, 5332, and 5403 of this title) shall be effective as of May 4, 1991.

"(5) The amendments made by section 2(25) (amending section 5302 of this title) shall be effective as of February 3, 1991.

"(6) The provisions of section 8(a) and the amendments made by sections 2(57)(A), 2(60), 2(64), 2(67), 2(71), 2(75)(A), 3(1), 3(4), 3(6), and 5(a) (amending sections 5532, 8331, 8335, 8344, 8347, 8425, 8461, 8468, and 8901 of this title, repealing section 5380 of this title, enacting provisions set out as a note under section 5532 of this title, amending provisions set out as notes under sections 2105, 5304, 5305, 5378, and 8348 of this title, and repealing provisions set out as notes under sections 5380 and 5532 of this title) shall be effective as of November 5, 1990.

"(7) The amendment made by section 2(52) (amending this section) shall be effective as of January 1, 1989, except that no amount shall become payable, as a result of the enactment of such amendment, under -

"(A) subchapter VI of chapter 55 of title 5, United States Code, based on a separation that takes effect or an election that is made before the date of enactment of this Act (Oct. 2, 1992);

or

"(B) section 5551(b) of title 5, United States Code, which is attributable to an individual's being excepted from subchapter I of chapter 63 of such title before the date of enactment of this Act.

"(8) The amendment made by section 2(69) (amending section 8440 of this title) shall be effective as of November 10, 1988.

"(9) The amendments made by sections 2(40), 2(41), 2(42), 2(43), and 3(5) (amending sections 5541, 5542, 5544, and 5547 of this title and provisions set out as a note under section 5305 of this title) shall be effective as of the first day of the first applicable pay period beginning on or after the date of enactment of this Act (Oct. 2, 1992).

"(10) The amendments made by section 2(28) (amending section 5314 of this title) shall be effective as of the first day of the first applicable pay period beginning on or after November 5, 1990.

"(11) The amendment made by section 2(49) (amending section 5724 of this title) shall apply with respect to a separation that takes effect on or after the date of enactment of this Act (Oct. 2, 1992).

"(12) The amendment made by section 5(e) (amending section 1441a of Title 12, Banks and Banking) shall apply with respect to any action (described in subclause (I) or (II) of the provisions struck by such amendment) occurring on or after the date of enactment of this Act (Oct. 2, 1992)."

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-335 effective Jan. 1, 1987, see section 702(a) of Pub. L. 99-335, set out as an Effective Date note under section 8401 of this title.

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6129, 6302, 6304, 6312, 6333, 6367 of this title; title 42 section 237.

5 USC Sec. 6304

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES

Subpart E - Attendance and Leave
CHAPTER 63 - LEAVE
SUBCHAPTER I - ANNUAL AND SICK LEAVE

Sec. 6304. Annual leave; accumulation

-STATUTE-

(a) Except as provided by subsections (b), (d), (e), (f), and (g) of this section, annual leave provided by section 6303 of this title, which is not used by an employee, accumulates for use in succeeding years until it totals not more than 30 days at the beginning of the first full bi-weekly pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, occurring in a year.

(b) Annual leave not used by an employee of the Government of the United States in one of the following classes of employees stationed outside the United States accumulates for use in succeeding years until it totals not more than 45 days at the beginning of the first full biweekly pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, occurring in a year:

(1) Individuals directly recruited or transferred by the Government of the United States from the United States or its territories or possessions including the Commonwealth of Puerto Rico for employment outside the area of recruitment or from which transferred.

(2) Individuals employed locally but -

(A)(i) who were originally recruited from the United States or its territories or possessions including the Commonwealth of Puerto Rico but outside the area of employment;

(ii) who have been in substantially continuous employment by other agencies of the United States, United States firms, interests, or organizations, international organizations in which the United States participates, or foreign governments; and

(iii) whose conditions of employment provide for their return transportation to the United States or its territories or possessions including the Commonwealth of Puerto Rico; or

(B)(i) who were at the time of employment temporarily absent, for the purpose of travel or formal study, from the United States, or from their respective places of residence in its territories or possessions including the Commonwealth of Puerto

Rico; and

(ii) who, during the temporary absence, have maintained residence in the United States or its territories or possessions including the Commonwealth of Puerto Rico but outside the area of employment.

(3) Individuals who are not normally residents of the area concerned and who are discharged from service in the armed forces to accept employment with an agency of the Government of the United States.

(c) Annual leave in excess of the amount allowable -

(1) under subsection (a) or (b) of this section which was accumulated under earlier statute; or

(2) under subsection (a) of this section which was accumulated under subsection (b) of this section by an employee who becomes subject to subsection (a) of this section;

remains to the credit of the employee until used. The excess annual leave is reduced at the beginning of the first full biweekly pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, occurring in a year, by the amount of annual leave the employee used during the preceding year in excess of the amount which accrued during that year, until the employee's accumulated leave does not exceed the amount allowed under subsection (a) or (b) of this section, as appropriate.

(d)(1) Annual leave which is lost by operation of this section because of -

(A) administrative error when the error causes a loss of annual leave otherwise accruable after June 30, 1960;

(B) exigencies of the public business when the annual leave was scheduled in advance; or

(C) sickness of the employee when the annual leave was scheduled in advance;

shall be restored to the employee.

(2) Annual leave restored under paragraph (1) of this subsection, or under clause (2) of section 5562(a) of this title, which is in excess of the maximum leave accumulation permitted by law shall be credited to a separate leave account for the employee and shall be available for use by the employee within the time limits prescribed by regulations of the Office of Personnel Management. Leave credited under this paragraph but unused and still available to the employee under the regulations prescribed by the Office shall be included in the lump-sum payment under section 5551 or 5552(1) of this title but may not be retained to the credit of the employee under section 5552(2) of this title.

(3)(A) For the purpose of this subsection, the closure of, and any realignment with respect to, an installation of the Department of Defense pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) during any period, and the closure of any other installation of the Department of Defense, during the period beginning on October 1, 1992, and ending on December 31, 1997, shall be deemed to create an exigency of the public business and any leave that is lost by an employee of such installation by operation of this section (regardless of whether such leave was scheduled) shall be restored to the employee and shall be credited and available in accordance with paragraph (2).

(B) For the purpose of subparagraph (A), the term "realignment" means a base realignment (as defined in subsection (e)(3) of section 2687 of title 10) that meets the requirements of subsection (a)(2) of such section.

(e) Annual leave otherwise accruable after June 30, 1960, which is lost by operation of this section because of administrative error and which is not credited under subsection (d)(2) of this section because the employee is separated before the error is discovered, is subject to credit and liquidation by lump-sum payment only if a claim therefor is filed within 3 years immediately following the date of discovery of the error. Payment shall be made by the agency of employment when the lump-sum payment provisions of section 5551 of this title last became applicable to the employee at the rate of basic pay in effect on the date the lump-sum provisions became applicable.

(f)(1) This subsection applies with respect to annual leave accrued by an individual while serving in a position in -

- (A) the Senior Executive Service;
- (B) the Senior Foreign Service;
- (C) the Defense Intelligence Senior Executive Service;
- (D) the Senior Cryptologic Executive Service; or
- (E) the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service.

(2) For purposes of applying any limitation on accumulation under this section with respect to any annual leave described in paragraph (1) -

- (A) "30 days" in subsection (a) shall be deemed to read "90 days"; and
- (B) "45 days" in subsection (b) shall be deemed to read "90 days".

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 519; Pub. L. 93-181, Sec. 3, Dec. 14, 1973, 87 Stat. 705; Pub. L. 95-454, title IV, Sec. 410, title IX, Sec. 906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1173, 1224; Pub. L. 96-54, Sec. 2(a)(39), Aug. 14, 1979, 93 Stat. 383; Pub. L. 96-465, title II, Sec. 2312(b), Oct. 17, 1980, 94 Stat. 2166; Pub. L. 97-89, title VIII, Sec. 802, Dec. 4, 1981, 95 Stat. 1161; Pub. L. 100-325, Sec. 2(k), May 30, 1988, 102 Stat. 582; Pub. L. 102-378, Sec. 2(53), Oct. 2, 1992, 106 Stat. 1354; Pub. L. 102-484, div. D, title XLIV, Sec. 4434, Oct. 23, 1992, 106 Stat. 2722; Pub. L. 103-337, div. A, title III, Sec. 341(c), div. B, title XXVIII, Sec. 2816(a), Oct. 5, 1994, 108 Stat. 2720, 3056; Pub. L. 103-356, title II, Sec. 201(a), Oct. 13, 1994, 108 Stat. 3411.)

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Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 2062(c).	Oct. 30, 1951, ch. 631, Sec. 203(c), 65 Stat. 680. July 2, 1953, ch. 178, Sec. 3(a), 67 Stat. 137.
(b)	5 U.S.C. 2602(d).	Oct. 30, 1951, ch. 631, Sec. 203(d), 65 Stat. 680. July 2, 1953, ch. 178, Sec. 3(b), 67 Stat. 137. Sept. 6, 1960, Pub. L. 86-707, Sec. 401 "(d)", 74 Stat. 799.
(c)	5 U.S.C. 2066(a).	Oct. 30, 1951, ch. 631, Sec. 208(a), 65 Stat. 682. July 2, 1953, ch. 178, Sec. 3(c), 67 Stat. 137.

The words "Except as provided by subsection (b) of this section" are added to subsection (a), and the words "Notwithstanding the provisions of subsection (c)" in former section 2062(d) are omitted as unnecessary because of the exception added to subsection (a).

The words "full biweekly pay period" are substituted for "complete biweekly pay period" to conform to section 6303.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

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REFERENCES IN TEXT

The Defense Base Closure and Realignment Act of 1990, referred to in subsec. (d)(3)(A), is part A of title XXIX of div. B of Pub. L. 101-510, Nov. 5, 1990, 104 Stat. 1808, as amended, which is set out as a note under section 2687 of Title 10, Armed Forces. For complete classification of this Act to the Code, see Tables.

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AMENDMENTS

1994 - Subsec. (d)(3). Pub. L. 103-337, Sec. 2816(a), designated existing provisions as subpar. (A), substituted "closure of, and any realignment with respect to," for "closure of", and added subpar. (B).

Pub. L. 103-337, Sec. 341(c), substituted "the closure of an installation of the Department of Defense pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) during any period, and the closure of any other installation" for "the closure of an installation".

Subsec. (f). Pub. L. 103-356 amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: "Annual leave accrued shall not be subject to the limitation on accumulation otherwise imposed by this section if such leave is accrued by an individual while serving in a position in -

"(1) the Senior Executive Service;

"(2) the Senior Foreign Service;

"(3) the Defense Intelligence Senior Executive Service;

"(4) the Senior Cryptologic Executive Service; or

"(5) the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service."

1992 - Subsec. (d)(3). Pub. L. 102-484 added par. (3).

Subsec. (e). Pub. L. 102-378 substituted "date" for "date of" in last sentence.

1988 - Subsec. (f)(5). Pub. L. 100-325 added par. (5).

1981 - Subsec. (f). Pub. L. 97-89 amended subsec. (f) generally, transferring from former subsec. (g) provisions excepting from the limitation on accumulation otherwise imposed by this section any annual leave accrued by members of the Senior Foreign Service and inserting provisions relating to annual leave accrued by individuals while serving in positions in the Defense Intelligence Senior Executive Service or the Senior Cryptologic Executive Service.

Subsec. (g). Pub. L. 97-89 struck out subsec. (g). Provisions formerly set out in subsec. (g), relating to annual leave accrued by members of the Senior Foreign service, were incorporated in subsec. (f).

1980 - Subsec. (a). Pub. L. 96-465, Sec. 2312(b)(1), inserted reference to subsec. (g).

Subsec. (g). Pub. L. 96-465, Sec. 2312(b)(2), added subsec. (g).

1979 - Subsec. (e). Pub. L. 96-54 substituted "rate of basic pay" for "salary rate".

1978 - Subsec. (a). Pub. L. 95-454, Sec. 410(1), inserted reference to subsec. (f).

Subsec. (d)(2). Pub. L. 95-454, Sec. 906(a)(2), (3), substituted "Office of Personnel Management" and "Office" for "Civil Service Commission" and "Commission", respectively.

Subsec. (f). Pub. L. 95-454, Sec. 410(2), added subsec. (f).

1973 - Subsec. (a). Pub. L. 93-181, Sec. 3(1), substituted "subsections (b), (d), and (e) of this section" for "subsection (b) of this section".

Subsecs. (d), (e). Pub. L. 93-181, Sec. 3(2), added subsecs. (d) and (e).

EFFECTIVE DATE OF 1994 AMENDMENTS

Section 201(a) of Pub. L. 103-356 provided that the amendment made by that section is effective on the first day of the first applicable pay period beginning after Oct. 13, 1994.

Section 2816(b) of Pub. L. 103-337 provided that: "The amendments made by subsection (a) (amending this section) shall apply only with respect to the restoration of annual leave of employees at military installations undergoing realignment if such leave is lost by operation of section 6304 of title 5, United States Code, on or after the date of the enactment of this Act (Oct. 5, 1994)."

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-89 effective Oct. 1, 1981, see section 806 of Pub. L. 97-89, set out as an Effective Date note under section 1601 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by section 410 of Pub. L. 95-454 effective 9 months after Oct. 13, 1978, and congressional review of provisions of sections 401 through 412 of Pub. L. 95-454, see section 415 of Pub. L. 95-454, set out as an Effective Date note under section 3131 of this title.

Amendment by section 906(a)(2), (3) of Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as an Effective Date of 1978 Amendment note under section 1101 of this title.

USE OF EXCESS LEAVE

Section 201(b) of Pub. L. 103-356 provided that:
"Notwithstanding the amendment made by subsection (a) (amending this section), in the case of an employee who, on the effective date of subsection (a) (see Effective Date of 1994 Amendments note above), is subject to subsection (f) of section 6304 of title 5, United States Code, and who has to such employee's credit annual leave in excess of the maximum accumulation otherwise permitted by subsection (a) or (b) of section 6304 (determined applying the amendment made by subsection (a)), such excess annual leave shall remain to the credit of the employee and be subject to reduction, in the same manner as provided in subsection (c) of section 6304."

LUMP-SUM PAYMENT FOR ACCRUED ANNUAL LEAVE TO FORMER EMPLOYEES

Section 5 of Pub. L. 93-181 provided that where former employees (other than former employees of Post Office Department or United States Postal Service) had accrued annual leave after June 30, 1960, but had not been on the rolls on Dec. 14, 1973, and where annual leave thus accrued had been lost because of administrative error, such accrued annual leave was subject to credit and

liquidation by lump-sum payment but only if a claim therefor was filed within three years after Dec. 14, 1973, with agency by which the employees had been employed when lump-sum payment provision of section 5551 of this title had last become applicable to them.

Section 6 of Pub. L. 93-181 provided that where former employees of Post Office Department or United States Postal Service with prior civilian service with Post Office Department or other Federal agency had accrued annual leave after June 30, 1960, and before July 1, 1971, but had not on the rolls on Dec. 14, 1973, and where annual leave thus accrued had been lost because of administrative error, such accrued annual leave was subject to credit and liquidation by lump-sum payment, but only if a claim therefor was filed within three years after Dec. 14, 1973, with Postal Service, at salary rate in effect on date these employees had been employed when lump-sum payment provision of section 5551 of this title or comparable provisions of regulations of Postal Service had last become applicable to them. With respect to present employees of Postal Service who had prior Federal civilian service with Post Office Department or other Federal agency, annual leave which had accrued after June 30, 1960, and before July 1, 1971, but, because of administrative error had been lost, was subject to credit and liquidation by lump-sum payment only if a claim therefor was filed within three years of Dec. 14, 1973, with Postal Service, at salary rate in effect on Dec. 14, 1973.

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5562, 6129, 6302, 6303, 6305, 6333, 6334, 6365, 6367 of this title; title 10 section 1590; title 40 section 174j-8.

5 USC Sec. 6305

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES PART III - EMPLOYEES Subpart E - Attendance and Leave CHAPTER 63 - LEAVE SUBCHAPTER I - ANNUAL AND SICK LEAVE

Sec. 6305. Home leave; leave for Chiefs of Missions; leave for crews of vessels

-STATUTE-

(a) After 24 months of continuous service outside the United States (or after a shorter period of such service if the employee's assignment is terminated for the convenience of the Government), an employee may be granted leave of absence, under regulations of the President, at a rate not to exceed 1 week for each 4 months of that service without regard to other leave provided by this subchapter.

Leave so granted -

(1) is for use in the United States, or if the employee's place of residence is outside the area of employment, in its territories or possessions including the Commonwealth of Puerto Rico;

(2) accumulates for future use without regard to the limitation in section 6304(b) of this title; and

(3) may not be made the basis for terminal leave or for a lump-sum payment.

(b) The President may authorize leave of absence to a chief of mission excepted from this subchapter by section 6301(2)(xii) of this title for use in the United States and its territories or possessions. Leave so authorized does not constitute a leave system and may not be made the basis for a lump-sum payment.

(c) An officer, crewmember, or other employee serving aboard an oceangoing vessel on an extended voyage may be granted leave of absence, under regulations of the Office of Personnel Management, at a rate not to exceed 2 days for each 30 calendar days of that service without regard to other leave provided by this subchapter.

Leave so granted -

(1) accumulates for future use without regard to the limitation in section 6304(b) of this title;

(2) may not be made the basis for a lump-sum payment; and

(3) may not be made the basis for terminal leave except under such special or emergency circumstances as may be prescribed under the regulations of the Office.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 520; Pub. L. 89-747, Sec. 1(1), (2), Nov. 2, 1966, 80 Stat. 1179; Pub. L. 90-623, Sec. 1(16), Oct. 22, 1968, 82 Stat. 1313; Pub. L. 95-454, title IX, Sec. 906(a)(2), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 96-54, Sec. 2(a)(15), Aug. 14, 1979, 93 Stat. 382; Pub. L. 96-465, title II, Sec. 2312(c), 2314(f)(2), Oct. 17, 1980, 94 Stat. 2167, 2168.)

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Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 2062(f).	Oct. 30, 1951, ch. 631, Sec. 203(f), 65 Stat. 680. Sept. 6, 1960, Pub. L. 86-707, Sec. 401 "(f)", 74 Stat. 799.
(b)	5 U.S.C. 2061(c)(2).	July 2, 1953, ch. 178, Sec. 1 "(c)(2)", 67 Stat. 136.

The words "in his discretion" are omitted as unnecessary in view of the permissive grant of authority.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1980 - Subsec. (a). Pub. L. 96-465, Sec. 2312(c), inserted "(or after a shorter period of such service if the employee's assignment is terminated for the convenience of the Government)" after "outside the United States".

Subsec. (b). Pub. L. 96-465, Sec. 2314(f)(2), substituted "a chief of mission" for "an officer" after "leave of absence to".

1979 - Subsec. (c)(3). Pub. L. 96-54 substituted "Office" for "Commission".

1978 - Subsec. (c). Pub. L. 95-454 substituted "Office of Personnel Management" for "Civil Service Commission".

1968 - Subsec. (c). Pub. L. 90-623 substituted "2" and "30" for "two" and "thirty", respectively.

1966 - Pub. L. 89-747 added subsec. (c) and inserted reference to leave for crews of vessels in section catchline.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as

an Effective Date note under section 3901 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (a) of this section delegated to Office of Personnel Management, see section 1(2) of Ex. Ord. No. 11228, June 14, 1965, 30 F.R. 7739, set out as a note under section 301 of Title 3, The President.

EX. ORD. NO. 10471. AUTHORIZATION TO GRANT LEAVES OF ABSENCE

Ex. Ord. No. 10471, July 17, 1953, 18 F.R. 4231, as amended by Ex. Ord. No. 12292, Feb. 23, 1981, 46 F.R. 13967, provided:

1. The heads of the several departments and agencies of the Government are hereby authorized and empowered, without the approval, ratification, or other action of the President, to exercise, with respect to personnel in their respective department or agency, the authority conferred upon the President by section 6305(b) of title 5 of the United States Code, to authorize leaves of absence in accordance with the said section 6305(b) to persons who receive compensation in accordance with section 401 of the Foreign Service Act of 1980 (22 U.S.C. 3961).

2. This order shall be effective as of July 5, 1953.

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6302 of this title; title 22 section 4083.

5 USC Sec. 6306

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart E - Attendance and Leave
CHAPTER 63 - LEAVE
SUBCHAPTER I - ANNUAL AND SICK LEAVE

Sec. 6306. Annual leave; refund of lump-sum payment; recredit of
annual leave

-STATUTE-

(a) When an individual who received a lump-sum payment for leave under section 5551 of this title is reemployed before the end of the period covered by the lump-sum payment in or under the Government of the United States or the government of the District of Columbia, except in a position excepted from this subchapter by section 6301(2)(ii), (iii), (vi), or (vii) of this title, he shall refund to the employing agency an amount equal to the pay covering the period between the date of reemployment and the expiration of the lump-sum period.

(b) An amount refunded under subsection (a) of this section shall be deposited in the Treasury of the United States to the credit of the employing agency. When an individual is reemployed under the same leave system, an amount of leave equal to the leave represented by the refund shall be recredited to him in the employing agency. When an individual is reemployed under a different leave system, an amount of leave equal to the leave represented by the refund shall be recredited to him in the employing agency on an adjusted basis under regulations prescribed by the Office of Personnel Management. When an individual is reemployed in a position excepted from this subchapter by section 6301(2)(x)-(xiii) of this title, an amount of leave equal to the leave represented by the refund is deemed, on separation from the service, death, or transfer to another position in the service, to have remained to his credit.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 520; Pub. L. 95-454, title

IX, Sec. 906(a)(2), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 95-519, Sec. 2, Oct. 25, 1978, 92 Stat. 1819.)

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Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
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5 U.S.C. 61b (3d-5th sentences).	Dec. 21, 1944, ch. 632, Sec. 1 (1st proviso and so much of last sentence as precedes 2d proviso), 58 Stat. 845.	July 2, 1953, ch. 178, Sec. 4(a) (2d-4th sentences), 67 Stat. 137.
	Aug. 18, 1959, Pub. L. 86-168, Sec. 202(e), 73 Stat. 389.	

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1978 - Subsec. (b). Pub. L. 95-519 substituted "6301(2)(x)-(xiii)" for "6301(2)(x)-(xii)".

Pub. L. 95-454 substituted "Office of Personnel Management" for "Civil Service Commission".

EFFECTIVE DATE OF 1978 AMENDMENTS

Amendment by Pub. L. 95-519 effective beginning on first day of first applicable pay period beginning on or after Oct. 25, 1978, see section 4(a) of Pub. L. 95-519, set out as a note under section 5551 of this title.

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6335, 6368 of this title; title 20 section 4416; title 25 sections 2011, 2012.

5 USC Sec. 6307

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart E - Attendance and Leave
CHAPTER 63 - LEAVE
SUBCHAPTER I - ANNUAL AND SICK LEAVE

Sec. 6307. Sick leave; accrual and accumulation

-STATUTE-

(a) An employee is entitled to sick leave with pay which accrues on the basis of one-half day for each full biweekly pay period, except that sick leave with pay accrues to a member of the Firefighting Division of the Fire Department of the District of Columbia on the basis of two-fifths of a day for each full biweekly pay period.

(b) Sick leave provided by this section, which is not used by an employee, accumulates for use in succeeding years.

(c) Sick leave provided by this section may be used for purposes relating to the adoption of a child.

(d) When required by the exigencies of the situation, a maximum of 30 days sick leave with pay may be advanced for serious disability or ailment, or for purposes relating to the adoption of a child, except that a maximum of 24 days sick leave with pay may be advanced to a member of the Firefighting Division of the Fire Department of the District of Columbia.

(d)(1) (FOOTNOTE 1) For the purpose of this subsection, the term "family member" shall have such meaning as the Office of Personnel Management shall by regulation prescribe, except that such term shall include any individual who meets the definition given that term, for purposes of the leave transfer program under

subchapter III, under regulations prescribed by the Office (as in effect on January 1, 1993).

(FOOTNOTE 1) So in original. Probably should be "(e)(1)".

(2) Subject to paragraph (3) and in addition to any other allowable purpose, sick leave may be used by an employee -

(A) to give care or otherwise attend to a family member having an illness, injury, or other condition which, if an employee had such condition, would justify the use of sick leave by such an employee; or

(B) for purposes relating to the death of a family member, including to make arrangements for or attend the funeral of such family member.

(3)(A) Sick leave may be used by an employee for the purposes provided under paragraph (2) only to the extent the amount used for such purposes does not exceed -

(i) 40 hours in any year, plus

(ii) up to an additional 64 hours in any year, but only to the extent the use of such additional hours does not cause the amount of sick leave to the employee's credit to fall below 80 hours.

(B) In the case of a part-time employee or an employee on an uncommon tour of duty, the Office of Personnel Management shall establish limitations that are proportional to those prescribed under subparagraph (A).

(4)(A) This subsection shall be effective during the 3-year period that begins upon the expiration of the 2-month period that begins on the date of the enactment of this subsection.

(B) Not later than 6 months before the date on which this subsection is scheduled to cease to be effective, the Office shall submit a report to Congress in which it shall evaluate the operation of this subsection and make recommendations as to whether or not this subsection should be continued beyond such date.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 520; Pub. L. 103-329, title VI, Sec. 629(b)(1), Sept. 30, 1994, 108 Stat. 2423; Pub. L. 103-388, Sec. 2, Oct. 22, 1994, 108 Stat. 4079.)

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Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
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5 U.S.C. 2063. Oct. 30, 1951, ch.
631, Sec. 204, 65
Stat. 681.
Aug. 21, 1964, Pub.
L. 88-471, Sec.
6(b), (c), 78 Stat.
583.

The word "officer", referring to an officer of the Firefighting Division, is omitted as covered by the words "a member of the Firefighting Division".

In subsection (c), the words "with pay" are added for clarity.

Standard changes are made to conform with the definitions applicable and style of this title as outlined in the preface to the report.

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REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (d)(4)(A), is the date of enactment of Pub. L. 103-388, which was approved Oct. 22, 1994.

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AMENDMENTS

1994 - Subsec. (c). Pub. L. 103-329, Sec. 629(b)(1)(B), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 103-388 added subsec. (d) relating to use of sick leave for purposes relating to family member.

Pub. L. 103-329, Sec. 629(b)(1)(A), (C), redesignated subsec. (c) as (d) and inserted "or for purposes relating to the adoption of a child," after "ailment,".

REGULATIONS

Section 629(b)(3) of Pub. L. 103-329 provided that:

"(3)(A) The Office of Personnel Management shall prescribe regulations under which any employee who used or uses annual leave for an adoption-related purpose, after September 30, 1991, and before the date as of which sick leave first becomes available for such purpose as a result of the enactment of this subsection may, upon appropriate written application, elect to have such employee's leave accounts adjusted to reflect the amount of annual leave and sick leave, respectively, which would remain had sick leave been used instead of all or any portion of the annual leave actually

used, as designated by the employee.

"(B) An application under this paragraph may not be approved unless it is submitted -

"(i) within 1 year after the date of the enactment of this Act (September 30, 1994) or such later date as the Office may prescribe;

"(ii) in such form and manner as the Office shall require; and

"(iii) by an individual who is an employee as of the time of application.

"(C) For the purpose of this paragraph, the term 'employee' has the meaning given such term by section 6301(2) of title 5, United States Code."

ADOPTIONS DURING FISCAL YEAR 1991

Pub. L. 101-509, title V, Sec. 536, Nov. 5, 1990, 104 Stat. 1470, for fiscal year 1991, authorized sick leave provided by section 6307 of this title to be approved for purposes related to the adoption of a child.

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6129, 6302 of this title.

5 USC Sec. 6308

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES PART III - EMPLOYEES Subpart E - Attendance and Leave CHAPTER 63 - LEAVE SUBCHAPTER I - ANNUAL AND SICK LEAVE

Sec. 6308. Transfers between positions under different leave systems

-STATUTE-

(a) The annual and sick leave to the credit of an employee who transfers between positions under different leave systems without a break in service shall be transferred to his credit in the employing agency on an adjusted basis under regulations prescribed by the Office of Personnel Management, unless the individual is

excepted from this subchapter by section 6301(2)(ii), (iii), (vi), or (vii) of this title. However, when a former member receiving a retirement annuity under sections 521-535 of title 4, District of Columbia Code, is reemployed in a position to which this subchapter applies, his sick leave balance may not be recredited to his account on the later reemployment.

(b) The annual leave, sick leave, and home leave to the credit of a nonappropriated fund employee of the Department of Defense or the Coast Guard described in section 2105(c) who moves without a break in service of more than 3 days to a position in the Department of Defense or the Coast Guard, respectively, that is subject to this subchapter shall be transferred to the employee's credit. The annual leave, sick leave, and home leave to the credit of an employee of the Department of Defense or the Coast Guard who is subject to this subchapter and who moves without a break in service of more than 3 days to a position under a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard, respectively, described in section 2105(c), shall be transferred to the employee's credit under the nonappropriated fund instrumentality. The Secretary of Defense or the Secretary of Transportation, as appropriate, may provide for a transfer of funds in an amount equal to the value of the transferred annual leave to compensate the gaining entity for the cost of a transfer of annual leave under this subsection.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 521; Pub. L. 95-454, title IX, Sec. 906(a)(2), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 101-508, title VII, Sec. 7202(h), Nov. 5, 1990, 104 Stat. 1388-336.)

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Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
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	5 U.S.C. 2064(e).	July 2, 1953, ch. 178, Sec. 4(b), 67 Stat. 138.
		Aug. 18, 1959, Pub. L. 86-168, Sec. 202(e), 73 Stat.

389.
Aug. 21, 1964, Pub.
L. 88-471, Sec.
6(d), 78 Stat. 583.

In the last sentence, the word "officer" is omitted as covered by the word "member", and the words "sections 521-535 of title 4, District of Columbia Code" are substituted for "the Policemen and Firemen's Retirement and Disability Act, as amended".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

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REFERENCES IN TEXT

Sections 521-535 of title 4, District of Columbia Code, referred to in subsec. (a), were transferred to sections 4-607, 4-609, 4-610, 4-612, 4-613, 4-615, 4-616, 4-618 to 4-620, 4-622, 4-626, 4-627, 4-629, and 4-630, respectively, of Title 4, Police and Fire Departments, of the District of Columbia Code.

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AMENDMENTS

1990 - Pub. L. 101-508 designated existing provisions as subsec. (a) and added subsec. (b).

1978 - Pub. L. 95-454 substituted "Office of Personnel Management" for "Civil Service Commission".

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 applicable with respect to any individual who, on or after Jan. 1, 1987, moves from employment in nonappropriated fund instrumentality of Department of Defense or Coast Guard, that is described in section 2105(c) of this title, to employment in Department or Coast Guard, that is not described in section 2105(c), or who moves from employment in Department or Coast Guard, that is not described in section 2105(c), to employment in nonappropriated fund instrumentality of Department or Coast Guard, that is described in section 2105(c), see section 7202(m)(1) of Pub. L. 101-508, set out as a note under section 2105 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

ELECTION OF LEAVE OR LUMP-SUM PAYMENT FOR CERTAIN EMPLOYEES

Pub. L. 102-484, div. A, title X, Sec. 1077, Oct. 23, 1992, 106 Stat. 2512, authorized an employee referred to in section 6308(b) of this title, who made an employment move described in such subsection after Dec. 31, 1986, and before Apr. 16, 1991, to elect to repay the lump-sum payment received based on such employment move in lieu of annual leave and have the annual leave recredited to the employee's leave account, or to keep the lump-sum payment in lieu of that annual leave.

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5551, 6312 of this title.

5 USC Sec. 6309

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart E - Attendance and Leave
CHAPTER 63 - LEAVE
SUBCHAPTER I - ANNUAL AND SICK LEAVE

(Sec. 6309. Repealed. Pub. L. 94-183, Sec. 2(26), Dec. 31, 1975, 89 Stat. 1058)

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Section, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 521, related to authorized leave of absence of a rural postal carrier which occurred at beginning, during, or at end of a period of annual or sick leave.

5 USC Sec. 6310

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart E - Attendance and Leave
CHAPTER 63 - LEAVE

SUBCHAPTER I - ANNUAL AND SICK LEAVE

Sec. 6310. Leave of absence; aliens

-STATUTE-

The head of the agency concerned may grant leave of absence with pay, not in excess of the amount of annual and sick leave allowable to citizen employees under this subchapter, to alien employees who occupy positions outside the United States.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 521.)

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Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
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5 U.S.C. 2062(g).	Oct. 30, 1951, ch. 631, Sec. 203 (g), 65 Stat. 681. Sept. 6, 1960, Pub. L. 86-707. Sec. 402(b), 74 Stat. 800
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The words "head of the agency concerned" are substituted for "head of the department or agency concerned".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6301, 6302, 6325 of this title; title 22 section 3968.

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
 PART III - EMPLOYEES
 Subpart E - Attendance and Leave
 CHAPTER 63 - LEAVE
 SUBCHAPTER I - ANNUAL AND SICK LEAVE

Sec. 6311. Regulations

-STATUTE-

The Office of Personnel Management may prescribe regulations necessary for the administration of this subchapter.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 521; Pub. L. 95-454, title IX, Sec. 906(a)(2), Oct. 13, 1978, 92 Stat. 1224.)

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Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
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5 U.S.C. 2065.	Oct. 30, 1951, ch. 631, Sec. 206, 65 Stat. 681.
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Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1978 - Pub. L. 95-454 substituted "Office of Personnel Management" for "Civil Service Commission".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart E - Attendance and Leave
CHAPTER 63 - LEAVE
SUBCHAPTER I - ANNUAL AND SICK LEAVE

Sec. 6312. Accrual and accumulation for former ASCS county office
and nonappropriated fund employees

-STATUTE-

(a) Credit shall be given in determining years of service for the
purpose of section 6303(a) for -

(1) service as an employee of a county committee established
pursuant to section 8(b) of the Soil Conservation and Allotment
Act or of a committee or an association of producers described in
section 10(b) of the Agricultural Adjustment Act; and

(2) service under a nonappropriated fund instrumentality of the
Department of Defense or the Coast Guard described in section
2105(c) by an employee who has moved without a break in service
of more than 3 days to a position subject to this subchapter in
the Department of Defense or the Coast Guard, respectively.

(b) The provisions of subsections (a) and (b) of section 6308 for
transfer of leave between leave systems shall apply to the leave
systems established for such county office employees and employees
of such Department of Defense and Coast Guard nonappropriated fund
instrumentalities, respectively.

-SOURCE-

(Added Pub. L. 90-367, Sec. 2(a), June 29, 1968, 82 Stat. 277;
amended Pub. L. 90-623, Sec. 1(25), Oct. 22, 1968, 82 Stat. 1314;
Pub. L. 99-251, title III, Sec. 306(c), Feb. 27, 1986, 100 Stat.
27; Pub. L. 101-508, title VII, Sec. 7202(i)(1), Nov. 5, 1990, 104
Stat. 1388-337.)

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REFERENCES IN TEXT

Section 8(b) of the Soil Conservation and Allotment Act, referred
to in subsec. (a)(1), probably means section 8(b) of the Soil
Conservation and Domestic Allotment Act, which is classified to
section 590h(b) of Title 16, Conservation.

Section 10(b) of the Agricultural Adjustment Act, referred to in subsec. (a)(1), is classified to section 610(b) of Title 7, Agriculture.

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AMENDMENTS

1990 - Pub. L. 101-508 inserted "and nonappropriated fund" after "office" in section catchline and amended text generally. Prior to amendment, text read as follows: "Service rendered as an employee of a county committee established pursuant to section 590h(b) of title 16, or of a committee or an association of producers described in section 610(b) of title 7, shall be included in determining years of service for the purpose of section 6303(a) of this title. The provisions of section 6308 of this title for transfer of annual and sick leave between leave systems shall apply to the leave system established for such employees."

1986 - Pub. L. 99-251 struck out "in the case of any officer or employee in or under the Department of Agriculture" at end of first sentence.

1968 - Pub. L. 90-623 substituted "section 590h(b) of title 16" and "section 610(b) of title 7" for "section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))" and "section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37)" respectively.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 applicable with respect to any individual who, on or after Jan. 1, 1987, moves from employment in nonappropriated fund instrumentality of Department of Defense or Coast Guard, that is described in section 2105(c) of this title, to employment in Department or Coast Guard, that is not described in section 2105(c), or who moves from employment in Department or Coast Guard, that is not described in section 2105(c), to employment in nonappropriated fund instrumentality of Department or Coast Guard, that is described in section 2105(c), see section 7202(m)(1) of Pub. L. 101-508, set out as a note under section 2105 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

5 USC SUBCHAPTER II - OTHER PAID LEAVE

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart E - Attendance and Leave
CHAPTER 63 - LEAVE
SUBCHAPTER II - OTHER PAID LEAVE

5 USC Sec. 6321

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart E - Attendance and Leave
CHAPTER 63 - LEAVE
SUBCHAPTER II - OTHER PAID LEAVE

Sec. 6321. Absence of veterans to attend funeral services

-STATUTE-

An employee in or under an Executive agency who is a veteran of a war, or of a campaign or expedition for which a campaign badge has been authorized, or a member of an honor or ceremonial group of an organization of those veterans, may be excused from duty without loss of pay or deduction from annual leave for the time necessary, not to exceed 4 hours in any one day, to enable him to participate as an active pallbearer or as a member of a firing squad or a guard of honor in a funeral ceremony for a member of the armed forces whose remains are returned from abroad for final interment in the United States.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 521.)

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Historical and Revision Notes

Derivation

U.S. Code

Revised Statutes and

Statutes at Large

5 U.S.C. 30q. Aug. 16, 1949, ch.
441, 63 Stat. 608.
July 17, 1952, ch.
932, Sec. 1, 66
Stat. 758.

The words "Executive agency" are coextensive with and substituted for "executive branch of the Government" in view of the definition of "Executive agency" in section 105. Applicability to the General Accounting Office is based on former section 933a.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

5 USC Sec. 6322

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart E - Attendance and Leave
CHAPTER 63 - LEAVE
SUBCHAPTER II - OTHER PAID LEAVE

Sec. 6322. Leave for jury or witness service; official duty status
for certain witness service

-STATUTE-

(a) An employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) or an individual employed by the government of the District of Columbia is entitled to leave, without loss of, or reduction in, pay, leave to which he otherwise is entitled, credit for time or service, or performance of efficiency rating, during a period of absence with respect to which he is summoned, in connection with a judicial proceeding, by a court or authority responsible for the conduct of that

proceeding, to serve -

(1) as a juror; or

(2) other than as provided in subsection (b) of this section, as a witness on behalf of any party in connection with any judicial proceeding to which the United States, the District of Columbia, or a State or local government is a party; in the District of Columbia, a State, territory, or possession of the United States including the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, or the Republic of Panama. For the purpose of this subsection, "judicial proceeding" means any action, suit, or other judicial proceeding, including any condemnation, preliminary, informational, or other proceeding of a judicial nature, but does not include an administrative proceeding.

(b) An employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) or an individual employed by the government of the District of Columbia is performing official duty during the period with respect to which he is summoned, or assigned by his agency, to -

(1) testify or produce official records on behalf of the United States or the District of Columbia; or

(2) testify in his official capacity or produce official records on behalf of a party other than the United States or the District of Columbia.

(c) The Office of Personnel Management may prescribe regulations for the administration of this section.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 522; Pub. L. 91-563, Sec. 1(a), Dec. 19, 1970, 84 Stat. 1476; Pub. L. 94-310, Sec. 1, June 15, 1976, 90 Stat. 687; Pub. L. 95-454, title IX, Sec. 906(a)(2), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 96-70, title I, Sec. 1251, Sept. 27, 1979, 93 Stat. 476.)

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Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
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5 U.S.C. 30n.	June 29, 1940, ch. 446, Sec. 1, 54
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Stat. 689.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1979 - Subsec. (a). Pub. L. 96-70 substituted "the Trust Territory of the Pacific Islands, or the Republic of Panama" for "the Canal Zone, or the Trust Territory of the Pacific Islands".

1978 - Subsec. (c). Pub. L. 95-454 substituted "Office of Personnel Management" for "Civil Service Commission".

1976 - Subsec. (a)(2). Pub. L. 94-310 substituted "other than as provided in subsection (b) of this section, as a witness on behalf of any party in connection with any judicial proceeding to which the United States, the District of Columbia, or a State or local government is a party" for "as a witness on behalf of a party other than the United States, the District of Columbia, or a private party".

1970 - Pub. L. 91-563 included witness service and official duty status for certain witness service in section catchline.

Subsec. (a). Pub. L. 91-563 designated existing provisions as subsec. (a) and expanded such provisions to authorize leave for jury service in courts in the District of Columbia and in territories and possessions of the United States, to permit leave for persons summoned as witnesses in behalf of a party other than the United States, the District of Columbia, or a private party, defined "judicial proceeding", and excepted individuals whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives.

Subsecs. (b), (c). Pub. L. 91-563 added subsecs. (b) and (c).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-310 effective Oct. 1, 1976, see section 4 of Pub. L. 94-310, set out as a note under section 130b of Title 2, The Congress.

TRANSFER OF FUNCTIONS

Certain functions of Clerk of House of Representatives transferred to Director of Non-legislative and Financial Services by section 7 of House Resolution No. 423, One Hundred Second Congress, Apr. 9, 1992. Director of Non-legislative and Financial Services replaced by Chief Administrative Officer of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

CROSS REFERENCES

Jury and witness service by employees of the Senate and the House, see section 130b of Title 2, The Congress.

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5515 of this title.

5 USC Sec. 6323

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES

PART III - EMPLOYEES

Subpart E - Attendance and Leave

CHAPTER 63 - LEAVE

SUBCHAPTER II - OTHER PAID LEAVE

Sec. 6323. Military leave; Reserves and National Guardsmen

-STATUTE-

(a)(1) Subject to paragraph (2) of this subsection, an employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, is entitled to leave without loss in pay, time, or performance or efficiency rating for active duty or engaging in field or coast defense training under sections 502-505 of title 32 as a Reserve of the armed forces or member of the

National Guard. Leave under this subsection accrues for an employee or individual at the rate of 15 days per fiscal year and, to the extent that it is not used in a fiscal year, accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of a fiscal year.

(2) In the case of an employee or individual employed on a part-time career employment basis (as defined in section 3401(2) of this title), the rate at which leave accrues under this subsection shall be a percentage of the rate prescribed under paragraph (1) which is determined by dividing 40 into the number of hours in the regularly scheduled workweek of that employee or individual during that fiscal year.

(b) Except as provided by section 5519 of this title, an employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who -

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, or the National Guard, as described in section 101 of title 32; and

(2) performs, for the purpose of providing military aid to enforce the law or for the purpose of providing assistance to civil authorities in the protection or saving of life or property or the prevention of injury -

(A) Federal service under section 331, 332, 333, or 12406 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States;

is entitled, during and because of such service, to leave without loss of, or reduction in, pay, leave to which he otherwise is entitled, credit for time or service, or performance or efficiency rating. Leave granted by this subsection shall not exceed 22 work-days in a calendar year.

(c) An employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia, who is a member of the National Guard of the District of Columbia, is entitled to leave without loss in pay or time for each day of a parade or encampment ordered or authorized under title 39, District of Columbia Code. This subsection covers each day of service the National Guard, or a portion thereof, is ordered to perform by the commanding general.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 522; Pub. L. 90-588, Sec. 2(a), Oct. 17, 1968, 82 Stat. 1151; Pub. L. 90-623, Sec. 1(17), Oct. 22, 1968, 82 Stat. 1313; Pub. L. 91-375, Sec. 6(c)(18), Aug. 12, 1970, 84 Stat. 776; Pub. L. 96-54, Sec. 2(a)(40), Aug. 14, 1979, 93 Stat. 383; Pub. L. 96-70, title III, Sec. 3302(e)(5), Sept. 27, 1979, 93 Stat. 498; Pub. L. 96-431, Sec. 1, Oct. 10, 1980, 94 Stat. 1850; Pub. L. 102-190, div. A, title V, Sec. 528, Dec. 5, 1991, 105 Stat. 1364; Pub. L. 103-337, div. A, title XVI, Sec. 1677(a)(2), Oct. 5, 1994, 108 Stat. 3019.)

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Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
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5 U.S.C. 30r(a).	Aug. 10, 1956, ch. 1041, Sec. 29 (a), 70A Stat. 632. Sept. 2, 1958, Pub. L. 85-861, Sec. 13, 72 Stat. 1557. June 30, 1960, Pub. L. 86-559, Sec. 7, 74 Stat. 282. Oct. 4, 1961, Pub. L. 87-378, Sec. 7(a), 75 Stat. 809.	
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In subsection (a), the words "without regard to classification or terminology peculiar to the Civil Service system" are omitted as unnecessary. The word "performance" is added on authority of the Performance Rating Act of 1950, which is carried into chapter 43 of this title.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1994 - Subsec. (b)(1). Pub. L. 103-337, Sec. 1677(a)(2)(A), substituted "section 10101" for "section 261".

Subsec. (b)(2)(A). Pub. L. 103-337, Sec. 1677(a)(2)(B), substituted "or 12406 of title 10" for "3500, or 8500 of title

10".

1991 - Subsec. (b)(2). Pub. L. 102-190 substituted "law or for the purpose of providing assistance to civil authorities in the protection or saving of life or property or the prevention of injury - " for "law - " in introductory provisions.

1980 - Subsec. (a). Pub. L. 96-431 designated existing provisions as par. (1), substituted "Subject to paragraph (2) of this subsection, an employee" for "An employee" and "for active duty or engaging in field or coast defense training" for "for each day, not in excess of 15 days in a calendar year, in which he is on active duty or is engaged in field or coast defense training", inserted provision relating to accrual and accumulation of leave, and added par. (2).

1979 - Subsec. (b)(2)(B). Pub. L. 96-70 which directed the amendment of subsec. (c)(2)(B) by striking out "the Canal Zone," was executed to subsec. (b)(2)(B) in view of the redesignation of subsec. (c) as (b) by Pub. L. 96-54. See 1979 Amendment note below.

Subsec. (b). Pub. L. 96-54 redesignated subsec. (c), as added by Pub. L. 90-588, as (b). Former subsec. (b), relating to military leave, was repealed by Pub. L. 91-375, Sec. 6(c)(18)(B), Aug. 12, 1970, 84 Stat. 776.

Subsec. (c). Pub. L. 96-54 redesignated subsec. (c), as added by Pub. L. 90-588, as (b).

1970 - Subsec. (a). Pub. L. 91-375, Sec. 6(c)(18)(A), struck out "(except a substitute in the postal field service)" after "section 2105 of this title".

Subsec. (b). Pub. L. 91-375, Sec. 6(c)(18)(B), struck out subsec. (b) relating to military leave, without loss in pay, time, or efficiency rating, of substitute employees of the postal service, not in excess of 80 hours in a calendar year, for National Guard training as Reserves of the Armed Forces or members of the National Guard, on basis of 1 hour for 26 hours of work, including minimum working period of 1,040 hours in the prior calendar year.

Subsec. (c). Pub. L. 91-375, Sec. 6(c)(18)(A), struck out "(except a substitute in the postal field service)" after "section 2105 of this title".

Subsec. (d). Pub. L. 91-375, Sec. 6(c)(18)(B), struck out subsec. (d) relating to military leave, without loss of or reduction in pay, leave, service credit, or efficiency rating, of substitute employees of the postal service, not in excess of 160 hours in a calendar year, for service as members of Reserve components of the Armed Forces or the National Guard, for Federal service under insurrection provisions of sections 331, 332, and 333 and in the

Army National Guard and Air National Guard under sections 3500 and 8500 of Title 10 and non-Federal service (in the States, District of Columbia, Puerto Rico, Canal Zone, and the territories) for purpose of providing military aid to enforce the law, on basis of 1 hour for 13 hours of work, including minimum working period of 1,040 hours in the prior calendar year.

1968 - Subsecs. (a), (b). Pub. L. 90-623, Sec. 1(17)(A), substituted "loss in" for "loss of".

Subsec. (c). Pub. L. 90-623, Sec. 1(17)(B), added subsec. (c), set out second.

Subsec. (c). Pub. L. 90-588 added subsec. (c), set out first.

Subsec. (d). Pub. L. 90-588 added subsec. (d).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 2 of Pub. L. 96-431 provided that: "The amendments made by the first section of this Act (amending this section) shall take effect October 1, 1980."

EFFECTIVE DATE OF 1979 AMENDMENTS

Amendment by Pub. L. 96-70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and Published by it in Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 effective as of Sept. 6, 1966, for all purposes, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

DEFINITION OF OFFICERS AND EMPLOYEES

Section 4 of act July 1, 1947, ch. 192, 61 Stat. 239, as amended

by act June 22, 1956, ch. 428, 70 Stat. 331, provided that: "The words 'officers and employees of the United States or of the District of Columbia' as used in the third paragraph, subheading 'Ordinance Stores and Equipment for Reserve Officers Training Corps', of the Act of May 12, 1917 (40 Stat. 72; 10 U.S.C. Annotated 371) (covered by this section), as now or hereafter amended, as used in that part of section 80 of the Act of June 3, 1916 (39 Stat. 203; 32 U.S.C. 75) (covered by this section), as now or hereafter amended, which precedes the proviso, and as used in the first proviso of section 9 of the Naval Reserve Act of 1938 (52 Stat. 1177; 34 U.S.C. 853g) (covered by this section), as now or hereafter amended, shall be construed to mean all officers and employees of the United States or of the District of Columbia, permanent or temporary indefinite, without regard to classifications or terminology peculiar to the Federal Civil Service System. The words 'officers and employees of the United States or of the District of Columbia', as used in such provisions of law, as now or hereafter amended, also shall be construed to mean substitute employees in the postal field service; such substitute employees shall be entitled to military leave of absence on the basis of one hour of such leave for each period or periods aggregating twenty-six hours of work performed in the calendar year immediately preceding the year in which they are ordered to duty by proper authority: Provided, That the number of hours worked during the preceding calendar year shall not be less than one thousand forty hours before such substitute employee shall be entitled to military leave of absence, pay for such leave not to exceed eighty hours in each calendar year."

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5519, 6129 of this title.

5 USC Sec. 6324

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart E - Attendance and Leave
CHAPTER 63 - LEAVE

SUBCHAPTER II - OTHER PAID LEAVE

Sec. 6324. Absence of certain police and firemen

-STATUTE-

(a) Sick leave may not be charged to the account of a member of the Metropolitan Police force or the Fire Department of the District of Columbia, the United States Park Police force, or the Executive Protective Service force for an absence due to injury or illness resulting from the performance of duty.

(b) The determination of whether an injury or illness resulted from the performance of duty shall be made under regulations prescribed by -

(1) the District of Columbia Council for members of the Metropolitan Police force and the Fire Department of the District of Columbia;

(2) the Secretary of the Interior for the United States Park Police force; and

(3) The Secretary of the Treasury for the Executive Protective Service force.

-SOURCE-

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 522; Pub. L. 90-623, Sec. 1(18), Oct. 22, 1968, 82 Stat. 1313; Pub. L. 94-183, Sec. 2(28), (29), Dec. 31, 1975, 89 Stat. 1058.)

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Historical and Revision Notes

Derivation	U.S. Code	Revised Statutes and Statutes at Large
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5 U.S.C. 2071.	Aug. 21, 1964, Pub. L. 88-471, Sec. 5, 78 Stat. 583.	
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The word "officer" is omitted as covered by "member".

In subsection (b), the words "injury or illness" are substituted for "injury or disease" to conform to subsection (a).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface

to the report.

AMENDMENTS

1975 - Subsecs. (a), (b)(3). Pub. L. 94-183 substituted "Executive Protective Service" for "White House Police".

1968 - Subsec. (b)(1). Pub. L. 90-623 substituted "District of Columbia Council" for "Commissioners of the District of Columbia".

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

TRANSFER OF FUNCTIONS

District of Columbia Council, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, Sec. 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1-211 of the District of Columbia Code, and replaced by Council of District of Columbia, as provided by Pub. L. 93-198, title IV, Sec. 401, Dec. 24, 1973, 87 Stat. 785, classified to section 1-221 of the District of Columbia Code.

5 USC Sec. 6325

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart E - Attendance and Leave
CHAPTER 63 - LEAVE
SUBCHAPTER II - OTHER PAID LEAVE

Sec. 6325. Absence resulting from hostile action abroad

-STATUTE-

Leave may not be charged to the account of an employee for absence, not to exceed one year, due to an injury -

(1) incurred while serving abroad and resulting from war, insurgency, mob violence, or similar hostile action; and

(2) not due to vicious habits, intemperance, or willful misconduct on the part of the employee.

The preceding provisions of this section shall apply in the case of an alien employee referred to in section 6301(2)(viii) of this title with respect to any leave granted to such alien employee under section 6310 of this title or section 408 of the Foreign Service Act of 1980.

-SOURCE-

(Added Pub. L. 90-221, Sec. 3(a), Dec. 23, 1967, 81 Stat. 671; amended Pub. L. 96-54, Sec. 2(a)(41), Aug. 14, 1979, 93 Stat. 383; Pub. L. 99-399, title VIII, Sec. 804, Aug. 27, 1986, 100 Stat. 883.)

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REFERENCES IN TEXT

Section 408 of the Foreign Service Act of 1980, referred to in text, is classified to section 3968 of Title 22, Foreign Relations and Intercourse.

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AMENDMENTS

1986 - Pub. L. 99-399 inserted sentence at end relating to alien employees.

1979 - Pub. L. 96-54 substituted provisions relating to leave charged to an account of an employee for absence, for provisions relating to leave charged to an account of any officer or employee for absence, and designated qualifying provisions as cls. (1) and (2).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

EFFECTIVE DATE

Section 3(c) of Pub. L. 90-221 provided that: "The amendment made by subsection (a) of this section (enacting this section) shall take effect as of the first day of the first pay period which began on or after January 1, 1965."

5 USC Sec. 6326

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES

Subpart E - Attendance and Leave
CHAPTER 63 - LEAVE
SUBCHAPTER II - OTHER PAID LEAVE

Sec. 6326. Absence in connection with funerals of immediate relatives in the Armed Forces

-STATUTE-

(a) An employee of an executive agency or an individual employed by the government of the District of Columbia is entitled to not more than three days of leave without loss of, or reduction in, pay, leave to which he is otherwise entitled, credit for time or service, or performance or efficiency rating, to make arrangements for, or attend the funeral of, or memorial service for, an immediate relative who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone (as determined by the President in accordance with section 112 of the Internal Revenue Code).

(b) The Office of Personnel Management is authorized to issue regulations for the administration of this section.

(c) This section shall not be considered as affecting the authority of an Executive agency, except to the extent and under the conditions covered under this section, to grant administrative leave excusing an employee from work when it is in the public interest.

-SOURCE-

(Added Pub. L. 90-588, Sec. 1(a), Oct. 17, 1968, 82 Stat. 1151; amended Pub. L. 95-454, title IX, Sec. 906(a)(2), Oct. 13, 1978, 92 Stat. 1224.)

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REFERENCES IN TEXT

Section 112 of the Internal Revenue Code, referred to in subsec. (a), is classified to section 112 of Title 26, Internal Revenue Code.

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AMENDMENTS

1978 - Subsec. (b). Pub. L. 95-454 substituted "Office of Personnel Management" for "Civil Service Commission".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6129 of this title.

5 USC Sec. 6327

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
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SUBCHAPTER II - OTHER PAID LEAVE

Sec. 6327. (FOOTNOTE 1) Absence in connection with serving as a bone-marrow or organ donor

-STATUTE-

(FOOTNOTE 1) Another section 6327 is set out after this section.

(a) An employee in or under an Executive agency is entitled to leave without loss of or reduction in pay, leave to which otherwise entitled, credit for time or service, or performance or efficiency rating, for the time necessary to permit such employee to serve as a bone-marrow or organ donor.

(b) Not to exceed 7 days of leave may be used under this section by an employee in a calendar year.

(c) The Office of Personnel Management may prescribe regulations for the administration of this section.

-SOURCE-

(Added Pub. L. 103-329, title VI, Sec. 629(a)(1), Sept. 30, 1994, 108 Stat. 2423.)

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6129 of this title.

5 USC Sec. 6327

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart E - Attendance and Leave
CHAPTER 63 - LEAVE
SUBCHAPTER II - OTHER PAID LEAVE

Sec. 6327. (FOOTNOTE 1) Absence in connection with funerals of fellow Federal law enforcement officers

-STATUTE-

(FOOTNOTE 1) Another section 6327 is set out preceding this section.

A Federal law enforcement officer or a Federal firefighter may be excused from duty without loss of, or reduction in, pay or leave to which such officer is otherwise entitled, or credit for time or service, or performance or efficiency rating, to attend the funeral of a fellow Federal law enforcement officer or Federal firefighter, who was killed in the line of duty. When so excused from duty, attendance at such service shall for the purposes of section 1345(a) of title 31, be considered to be an official duty of the officer or firefighter.

-SOURCE-

(Added Pub. L. 103-329, title VI, Sec. 642, Sept. 30, 1994, 108 Stat. 2432.)

CODIFICATION

Section 642 of Pub. L. 103-329, which directed that this section 6327 be added "following the word 'Forces' in section 6326" was executed by adding the section after section 6327, as added by section 629(a)(1) of Pub. L. 103-329, to reflect the probable intent of Congress.

5 USC SUBCHAPTER III - VOLUNTARY TRANSFERS OF LEAVE 01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
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SUBCHAPTER III - VOLUNTARY TRANSFERS OF LEAVE

REPEAL OF SUBCHAPTER

Subchapter repealed effective five years after October 31, 1988, see section 2(d) of Pub. L. 100-566 set out as an Effective Date of Repeal note under section 6331 of this title.

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SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 6307, 6373 of this title; title 20 section 904; title 22 section 3968; title 38 section 7423.

5 USC Sec. 6331 01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart E - Attendance and Leave
CHAPTER 63 - LEAVE
SUBCHAPTER III - VOLUNTARY TRANSFERS OF LEAVE

Sec. 6331. Definitions

-STATUTE-

For the purpose of this subchapter -

(1) the term "employee" means an employee as defined by

section 6301(2), excluding an individual employed by the government of the District of Columbia;

(2) the term "leave recipient" means an employee whose application to receive donations of leave under this subchapter is approved;

(3) the term "leave donor" means an employee whose application to make 1 or more donations of leave under this subchapter is approved; and

(4) the term "medical emergency" means a medical condition of an employee or a family member of such employee that is likely to require the prolonged absence of such employee from duty and to result in a substantial loss of income to such employee because of the unavailability of paid leave (disregarding any advanced leave).

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2834; amended Pub. L. 103-103, Sec. 3, Oct. 8, 1993, 107 Stat. 1022.)

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AMENDMENTS

1993 - Par. (4). Pub. L. 103-103 inserted "the term" after par. designation and inserted before period at end "(disregarding any advanced leave)".

EFFECTIVE DATE OF 1993 AMENDMENT

Section 6 of Pub. L. 103-103 provided that: "Except as provided in section 2 (enacting and repealing provisions set out as notes under this section), this Act (amending this section and sections 6337, 6361, 6362, and 6373 of this title and enacting provisions set out as a note under section 6301 of this title) and the amendments made by this Act shall take effect as of the 120th day after the date of the enactment of this Act (Oct. 8, 1993) or such earlier date as the Office of Personnel Management may by regulation prescribe."

REPEALS

Section 2(d) of Pub. L. 100-566, which provided for the repeal of subchapters III (Sec. 6331 et seq.) and IV (Sec. 6361 et seq.) of this chapter effective 5 years after Oct. 31, 1988, and which also contained savings provisions for continued availability of certain leave as if such program had not been terminated, was repealed by Pub. L. 103-103, Sec. 2, Oct. 8, 1993, 107 Stat. 1022, effective Oct. 30, 1993.

(Section 2 of Pub. L. 103-103 provided that the repeal made by

that section is effective Oct. 30, 1993.)

IMPLEMENTATION OF LEAVE TRANSFER AND LEAVE BANK PROGRAMS

Section 2(c) of Pub. L. 100-566 provided that:

"(1) No later than 3 months after the date of the enactment of this Act (Oct. 31, 1988), the Office of Personnel Management shall prescribe regulations to implement leave transfer programs pursuant to the amendments made by this Act (see Short Title of 1988 Amendment note set out under section 6301 of this title).

"(2) No later than 6 months after the date of the enactment of this Act -

"(A) the head of each agency involved under sections 6332 and 6339 of title 5, United States Code, shall establish and begin operating a leave transfer program in accordance with applicable provisions of subchapter III of chapter 63 of title 5, United States Code, and applicable regulations prescribed by the Office; and

"(B) the Office of Personnel Management shall prescribe regulations to implement leave bank programs pursuant to the amendments made by this Act.

"(3) No later than 9 months after the date of the enactment of this Act, the head of each agency involved under section 6362 of title 5, United States Code, shall establish and begin operating a leave bank in accordance with subchapter IV of chapter 63 of title 5, United States Code, and applicable regulations prescribed by the Office."

REPORT TO CONGRESS

Section 2(e) of Pub. L. 100-566 provided that:

"(1)(A) Within 2 years after the date of the enactment of this Act (Oct. 31, 1988) and again no later than 6 months before the scheduled termination date of any program under subchapter III or subchapter IV of chapter 63 of title 5, United States Code (excluding any program under sections 6339 and 6372 of such chapter) the Office of Personnel Management shall submit a written report to the Congress with respect to the operations of such programs.

"(B) The Office of Personnel Management may require agencies to maintain such records and to provide such information as the Office may need to carry out subparagraph (A).

"(2) The excepted agencies that establish programs under sections 6339 and 6372 of title 5, United States Code, shall report to the Congress on the operation of such programs within 2 years after the date of the enactment of this Act and again no later than 6 months before the scheduled termination of any such programs."

CONTINUATION OF TEMPORARY LEAVE TRANSFER PROGRAMS

Section 2(f) of Pub. L. 100-566 provided that: "Any temporary program allowing for transfers of leave among officers or employees of the Federal Government may, if such program is being implemented with respect to an agency (or any unit thereof) as of the date of the enactment of this Act (Oct. 31, 1988), continue to be implemented with respect to such agency (or unit), notwithstanding any provision of law which would otherwise terminate the authority for such program, pending the commencement of a leave transfer program with respect to such agency pursuant to amendments made by this Act (see Short Title of 1988 Amendment note set out under section 6301 of this title). The Office of Personnel Management (or, in the case of a program established by another agency, such other agency) shall prescribe regulations to ensure that any leave which has been transferred to the credit of an officer or employee and which remains unused as of the date on which any such temporary program terminates (and a successor program commences pursuant to amendments made by this Act) shall not be lost by reason of that termination."

5 USC Sec. 6332

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart E - Attendance and Leave
CHAPTER 63 - LEAVE
SUBCHAPTER III - VOLUNTARY TRANSFERS OF LEAVE

Sec. 6332. General authority

-STATUTE-

Notwithstanding any provision of subchapter I, and subject to the provisions of this subchapter, the Office of Personnel Management shall establish a program under which annual leave accrued or accumulated by an employee may be transferred to the annual leave account of any other employee if such other employee requires additional leave because of a medical emergency.

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2834.)

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6334 of this title.

5 USC Sec. 6333

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES

PART III - EMPLOYEES

Subpart E - Attendance and Leave

CHAPTER 63 - LEAVE

SUBCHAPTER III - VOLUNTARY TRANSFERS OF LEAVE

Sec. 6333. Receipt and use of transferred leave

-STATUTE-

- (a)(1) An application to receive donations of leave under this subchapter, whether submitted by or on behalf of an employee -
- (A) shall be submitted to the employing agency of the proposed leave recipient; and
 - (B) shall include -
 - (i) the name, position title, and grade or pay level of the proposed leave recipient;
 - (ii) the reasons why transferred leave is needed, including a brief description of the nature, severity, anticipated duration, and, if it is a recurring one, the approximate frequency of the medical emergency involved;
 - (iii) if the employing agency so requires, certification from 1 or more physicians, or other appropriate experts, with respect to any matter under clause (ii); and
 - (iv) any other information which the employing agency may reasonably require.
- (2) If an agency requires that an employee obtain certification under paragraph (1)(B)(iii) from 2 or more sources, the agency shall ensure, either by direct payment to the expert involved or by reimbursement, that the employee is not required to pay for the

expenses associated with obtaining certification from more than 1 of such sources.

(3) An employing agency shall approve or disapprove an application of a proposed leave recipient for leave under this subchapter, and, to the extent practicable, shall notify the proposed leave recipient (or other person acting on behalf of the proposed recipient, if appropriate) of the decision of the agency, in writing, within 10 days (excluding Saturdays, Sundays, and legal public holidays) after receiving such application.

(b) A leave recipient may use annual leave received under this subchapter in the same manner and for the same purposes as if such leave recipient had accrued that leave under section 6303, except that any annual leave, and any sick leave, accrued or accumulated by the leave recipient and available for the purpose involved must be exhausted before any transferred annual leave may be used.

(c) Transferred annual leave -

(1) may accumulate without regard to any limitation under section 6304; and

(2) may be substituted retroactively for any period of leave without pay, or used to liquidate an indebtedness for any period of advanced leave, which began on or after a date fixed by the employing agency of the employee as the beginning of the medical emergency involved.

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2834.)

5 USC Sec. 6334

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
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CHAPTER 63 - LEAVE
SUBCHAPTER III - VOLUNTARY TRANSFERS OF LEAVE

Sec. 6334. Donations of leave

-STATUTE-

(a) An employee may, by written application to the employing agency of such employee, request that a specified number of hours be transferred from the annual leave account of such employee to the annual leave account of a leave recipient in accordance with section 6332.

(b)(1) In any one leave year, a leave donor may donate no more than a total of one-half of the amount of annual leave such donor would be entitled to accrue during the leave year in which the donation is made.

(2) A leave donor who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year under section 6304(a) may donate no more than the number of hours remaining in the leave year (as of the date of the transfer) for which the leave donor is scheduled to work and receive pay.

(3) The employing agency of a leave donor may waive the limitation under paragraphs (1) and (2). Any such waiver shall be made in writing.

(c) The Office of Personnel Management shall prescribe regulations to include procedures to carry out this subchapter when the leave donor and the leave recipient are employed by different agencies.

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2835.)

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6336 of this title.

5 USC Sec. 6335

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
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CHAPTER 63 - LEAVE
SUBCHAPTER III - VOLUNTARY TRANSFERS OF LEAVE

Sec. 6335. Termination of medical emergency

-STATUTE-

(a) The medical emergency affecting a leave recipient shall, for purposes of this subchapter, be considered to have terminated on the date as of which -

(1) the leave recipient notifies the employing agency of such leave recipient, in writing, that the medical emergency no longer exists;

(2) the employing agency of such leave recipient determines, after written notice and opportunity for the leave recipient (or, if appropriate, another person acting on behalf of the leave recipient) to answer orally or in writing, that the medical emergency no longer exists; or

(3) the leave recipient is separated from service.

(b)(1) The employing agency of a leave recipient shall, consistent with guidelines prescribed by the Office of Personnel Management, establish procedures to ensure that a leave recipient is not permitted to use or receive any transferred leave under this subchapter after the medical emergency terminates.

(2) Nothing in section 5551, 5552, or 6306 shall apply with respect to any annual leave transferred to a leave recipient under this subchapter.

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2836.)

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6337 of this title.

5 USC Sec. 6336

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart E - Attendance and Leave
CHAPTER 63 - LEAVE
SUBCHAPTER III - VOLUNTARY TRANSFERS OF LEAVE

Sec. 6336. Restoration of transferred leave

-STATUTE-

(a)(1) The Office of Personnel Management shall establish procedures under which, except as provided in paragraph (2), any transferred leave remaining to the credit of a leave recipient when the medical emergency affecting the leave recipient terminates shall be restored on a prorated basis by transfer to the appropriate accounts of the respective leave donors.

(2) Nothing in paragraph (1) shall require the restoration of leave to a leave donor -

(A) if the amount of leave which would be restored to such donor would be less than 1 hour or any other shorter period of time which the Office may by regulation prescribe;

(B) if such donor retires, dies, or is otherwise separated from service, before the date on which such restoration would otherwise be made; or

(C) if such restoration is not administratively feasible, as determined under regulations prescribed by the Office.

(b) At the election of the leave donor, transferred annual leave restored to such leave donor under subsection (a) may be restored by -

(1) crediting such leave to the leave donor's annual leave account in the then current leave year;

(2) crediting such leave to the leave donor's annual leave account, effective as of the first day of the first leave year beginning after the date of the election; or

(3) donating such leave in whole or part to another leave recipient; if a leave donor elects to donate only part of restored leave to another recipient, the donor may elect to have the remaining leave credited to the donor's annual leave account in accordance with paragraph (1) or (2).

(c) The Office shall prescribe regulations under which this section shall be applied in the case of an employee who is paid other than on the basis of biweekly pay periods.

(d) Restorations of leave under this section shall be carried out in a manner consistent with regulations prescribed to carry out section 6334(c), if applicable.

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2836.)

5 USC Sec. 6337

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart E - Attendance and Leave
CHAPTER 63 - LEAVE
SUBCHAPTER III - VOLUNTARY TRANSFERS OF LEAVE

Sec. 6337. Accrual of leave

-STATUTE-

(a) For the purpose of this section -

(1) the term "paid leave status under subchapter I", as used with respect to an employee, means the administrative status of such employee while such employee is using sick leave, or annual leave, accrued or accumulated under subchapter I; and

(2) the term "transferred leave status", as used with respect to an employee, means the administrative status of such employee while such employee is using transferred leave under this subchapter.

(b)(1) Except as otherwise provided in this section, while an employee is in a transferred leave status, annual leave and sick leave shall accrue to the credit of such employee at the same rate as if such employee were then in a paid leave status under subchapter I, except that -

(A) the maximum amount of annual leave which may be accrued by an employee while in transferred leave status in connection with any particular medical emergency may not exceed 5 days; and

(B) the maximum amount of sick leave which may be accrued by an employee while in transferred leave status in connection with any particular medical emergency may not exceed 5 days.

(2) Any annual or sick leave accrued by an employee under this section -

(A) shall be credited to an annual leave or sick leave account, as appropriate, separate from any leave account of such employee under subchapter I; and

(B) shall not become available for use by such employee, and may not otherwise be taken into account under subchapter I, until, in accordance with subsection (c), it is transferred to

the appropriate leave account of such employee under subchapter I.

(c)(1) Any annual or sick leave accrued by an employee under this section shall be transferred to the appropriate leave account of such employee under subchapter I, and shall be available for use -

(A) as of the beginning of the first applicable pay period beginning after the date on which the employee's medical emergency terminates as described in paragraph (1) or (2) of section 6335(a); or

(B) if the employee's medical emergency has not yet terminated, once the employee has exhausted all transferred leave made available to such employee under this subchapter.

(2) In the event that the employee's medical emergency terminates as described in section 6335(a)(3) -

(A) any leave accrued but not yet transferred under this section shall not be credited to such employee; or

(B) if there remains, as of the date the emergency so terminates, any leave which became available to such employee under paragraph (1)(B), such leave shall cease to be available for any purpose.

(d) Nothing in this section shall be considered to prevent, with respect to a continuing medical emergency, further transfers of leave for use after leave accrued under this section has been exhausted by the employee.

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2837; amended Pub. L. 103-103, Sec. 4, Oct. 8, 1993, 107 Stat. 1022.)

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AMENDMENTS

1993 - Subsecs. (c), (d). Pub. L. 103-103 amended subsec. (c) generally and added subsec. (d). Prior to amendment, subsec. (c) read as follows:

"(1) Any annual or sick leave accrued by an employee under this section shall be transferred to the appropriate leave account of such employee under subchapter I, effective as of the beginning of the first applicable pay period beginning after the date on which the employee's medical emergency terminates as described in paragraph (1) or (2) of section 6335(a).

"(2) If the employee's medical emergency terminates as described in section 6335(a)(3), no leave shall be credited to such employee under this section."

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-103 effective as of the 120th day after Oct. 8, 1993, or such earlier date as the Office of Personnel Management may by regulation prescribe, see section 6 of Pub. L. 103-103, set out as a note under section 6331 of this title.

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6371, 6373 of this title.

5 USC Sec. 6338

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES

PART III - EMPLOYEES

Subpart E - Attendance and Leave

CHAPTER 63 - LEAVE

SUBCHAPTER III - VOLUNTARY TRANSFERS OF LEAVE

Sec. 6338. Prohibition of coercion

-STATUTE-

(a) An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to contributing, receiving, or using annual leave under this subchapter.

(b) For the purpose of subsection (a), the term "intimidate, threaten, or coerce" includes promising to confer or conferring any benefit (such as an appointment, promotion, or compensation), or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2837.)

5 USC Sec. 6339

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart E - Attendance and Leave
CHAPTER 63 - LEAVE
SUBCHAPTER III - VOLUNTARY TRANSFERS OF LEAVE

Sec. 6339. Additional leave transfer programs

-STATUTE-

(a) For the purpose of this section -

(1) the term "excepted agency" means -

(A) the Central Intelligence Agency;

(B) the Defense Intelligence Agency;

(C) the National Security Agency;

(D) the Federal Bureau of Investigation;

(E) the Central Imagery Office; and

(F) as determined by the President, any Executive agency or unit thereof, the principal function of which is the conduct of foreign intelligence or counterintelligence activities; and

(2) the term "head of an excepted agency" means -

(A) with respect to the Central Intelligence Agency, the Director of Central Intelligence;

(B) with respect to the Defense Intelligence Agency, the Director of the Defense Intelligence Agency;

(C) with respect to the National Security Agency, the Director of the National Security Agency;

(D) with respect to the Federal Bureau of Investigation, the Director of the Federal Bureau of Investigation;

(E) with respect to the Central Imagery Office, the Director of the Central Imagery Office; and

(F) with respect to an Executive agency designated under paragraph (1)(F), the head of such Executive agency, and with respect to a unit of an Executive agency designated under paragraph (1)(F), such individual as the President may determine.

(b) Notwithstanding any other provision of this subchapter, neither an excepted agency nor any individual employed in or under an excepted agency may be included in a leave transfer program established under any of the preceding provisions of this

subchapter.

(c)(1) The head of an excepted agency shall, by regulation, establish a program under which annual leave accrued or accumulated by an employee of such agency may be transferred to the annual leave account of any other employee of such agency if such other employee requires additional leave because of a medical emergency.

(2) To the extent practicable, and consistent with the protection of intelligence sources and methods (if applicable), each program under this section shall be established -

(A) in a manner consistent with the provisions of this subchapter applicable to the program; and

(B) without regard to any provisions relating to transfers or restorations of leave between employees in different agencies.

(d) The Office of Personnel Management shall provide the head of an excepted agency with such advice and assistance as the head of such agency may request in order to carry out the purposes of this section.

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2838; amended Pub. L. 103-359, title V, Sec. 501(i), Oct. 14, 1994, 108 Stat. 3429.)

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AMENDMENTS

1994 - Subsec. (a)(1)(E), (F). Pub. L. 103-359, Sec. 501(i)(1), added subpar. (E) and redesignated former subpar. (E) as (F).

Subsec. (a)(2)(E), (F). Pub. L. 103-359, Sec. 501(i)(2), added subpar. (E), redesignated former subpar. (E) as (F), and substituted "paragraph (1)(F)" for "paragraph (1)(E)" in two places in subpar. (F).

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6372 of this title.

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PART III - EMPLOYEES
Subpart E - Attendance and Leave
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SUBCHAPTER III - VOLUNTARY TRANSFERS OF LEAVE

Sec. 6340. Inapplicability of certain provisions

-STATUTE-

Except to the extent that the Office of Personnel Management may prescribe regulations, nothing in section 7351 shall apply with respect to a solicitation, donation, or acceptance of leave under this subchapter.

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2838.)

5 USC SUBCHAPTER IV - VOLUNTARY LEAVE BANK PROGRAM 01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
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Subpart E - Attendance and Leave
CHAPTER 63 - LEAVE
SUBCHAPTER IV - VOLUNTARY LEAVE BANK PROGRAM

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 22 section 3968; title 38 section 7423.

5 USC Sec. 6361 01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES

Subpart E - Attendance and Leave

CHAPTER 63 - LEAVE

SUBCHAPTER IV - VOLUNTARY LEAVE BANK PROGRAM

Sec. 6361. Definitions

-STATUTE-

For the purpose of this subchapter the term -

(1) "employee" means an employee as defined by section 6301(2), but shall exclude any individual employed by the government of the District of Columbia;

(2) "executive agency" means any executive agency or any administrative unit thereof;

(3) "leave bank" means a leave bank established under section 6363;

(4) "leave contributor" means an employee who contributes leave to an agency leave bank under section 6365;

(5) "leave recipient" means an employee whose application under section 6367 to receive contributions of leave from a leave bank is approved; and

(6) "medical emergency" means a medical condition of an employee or a family member of such employee that is likely to require the prolonged absence of such employee from duty and to result in a substantial loss of income to such employee because of the unavailability of paid leave (disregarding any advanced leave).

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2839; amended Pub. L. 103-103, Sec. 3(a), Oct. 8, 1993, 107 Stat. 1022.)

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AMENDMENTS

1993 - Par. (6). Pub. L. 103-103 inserted before period at end "(disregarding any advanced leave)".

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-103 effective as of the 120th day after Oct. 8, 1993, or such earlier date as the Office of Personnel Management may by regulation prescribe, see section 6 of Pub. L. 103-103, set out as a note under section 6331 of this title.

LEAVE BANK FOR JUDICIAL BRANCH EMPLOYEES OF FEDERAL GOVERNMENT IN RESERVES WHO WERE ACTIVATED DURING PERSIAN GULF

WAR

Pub. L. 102-58, Sec. 3, June 18, 1991, 105 Stat. 299, provided that:

"(a) Judicial Branch Employees. - The Director of the Administrative Office of the United States Courts shall establish a leave bank program under which -

"(1) an employee of the Judicial Branch may (during a period specified by the Director of the Administrative Office) donate any unused annual leave from the employee's annual leave account to a leave bank established by the Director;

"(2) the total amount of annual leave that has been donated under paragraph (1) shall be divided equally among the annual leave accounts of all employees who have been members of the Armed Forces serving on active duty during the Persian Gulf conflict pursuant to an order issued under section 672(a) (now 12301(a)), 672(g) (now 12301(g)), 673 (now 12302), 673b (now 12304), 674 (now 12306), 675 (now 12307), or 688 of title 10, United States Code, and who return to employment with the Judicial Branch; and

"(3) such Persian Gulf conflict participants who have returned to Judicial Branch employment may use such annual leave, after it is credited to their leave accounts, in the same manner as any other annual leave to their credit.

"(b) Definitions. - For purposes of subsection (a), the term 'employee' means an employee as defined in section 6301(2) of title 5, United States Code.

"(c) Deadline for Regulations. - Within 30 days after the date of the enactment of this Act (June 18, 1991), the Director of the Administration (Administrative) Office shall prescribe regulations necessary for the administration of subsection (a)."

LEAVE BANK FOR FEDERAL CIVILIAN EMPLOYEES IN RESERVES WHO WERE

ACTIVATED DURING PERSIAN GULF WAR

Pub. L. 102-25, title III, Sec. 361, Apr. 6, 1991, 105 Stat. 92, as amended by Pub. L. 102-484, div. A, title X, Sec. 1054(c)(1), Oct. 23, 1992, 106 Stat. 2502, provided that:

"(a) Civil Service Employees. - The Office of Personnel Management shall establish a leave bank program under which -

"(1) an employee in any executive agency may (during a period specified by the Office of Personnel Management) donate any unused annual leave from the employee's annual leave account to a leave bank established by the Office of Personnel Management;

"(2) the total annual leave that has been donated under

paragraph (1) shall be divided equally among the annual leave accounts of all employees who have been members of the Armed Forces serving on active duty during the Persian Gulf conflict pursuant to an order issued under section 672(a) (now 12301(a)), 672(g) (now 12301(g)), 673 (now 12302), 673b (now 12304), 674 (now 12306), 675 (now 12307), or 688 of title 10, United States Code, and who return to civilian employment with their agencies; and

"(3) such Persian Gulf conflict (sic) participants who have returned to civilian employment may use such annual leave, after it is credited to their leave accounts, in the same manner as any other annual leave to their credit.

"(b) Definitions. - For purposes of subsection (a), the term 'employee' means an employee as defined in section 6361(1) of title 5, United States Code.

"(c) Deadline for Regulations. - Within 30 days after the date of the enactment of this Act (Apr. 6, 1991), the Office of Personnel Management shall prescribe regulations necessary for the administration of subsection (a).

"(d) Department of Veterans Affairs Health-Care Professionals. - The Secretary of Veterans Affairs shall establish a program similar to that established under subsection (a) for the benefit of health-care professionals covered under section 7423(e) of title 38, United States Code. Such program shall be as similar and (as) practicable to the program established under subsection (a)."

5 USC Sec. 6362

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
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Sec. 6362. General authority

-STATUTE-

Notwithstanding any provision of subchapter I, and subject to the

provisions of this subchapter, the Office of Personnel Management shall establish a program under which -

- (1) annual leave accrued or accumulated by an employee may be contributed to a leave bank established by the employing agency of such employee; and
- (2) leave from such a leave bank may be made available to an employee who requires such leave because of a medical emergency.

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2839; amended Pub. L. 103-103, Sec. 5(b), Oct. 8, 1993, 107 Stat. 1023.)

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AMENDMENTS

1993 - Pub. L. 103-103 struck out subsec. (a) designation and struck out subsec. (b) which read as follows: "To test voluntary leave bank programs under the provisions of this subchapter, the Office of Personnel Management shall establish a demonstration project in at least 3 Executive agencies, of which -

- "(1) one such agency shall include approximately, but not less than, the equivalent of 100,000 full-time positions;
- "(2) one such agency shall include approximately, but not less than, the equivalent of 25,000 full-time positions; and
- "(3) one such agency shall include approximately, but not less than, the equivalent of 1,000 full-time positions."

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-103 effective as of the 120th day after Oct. 8, 1993, or such earlier date as the Office of Personnel Management may by regulation prescribe, see section 6 of Pub. L. 103-103, set out as a note under section 6331 of this title.

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6363 of this title.

5 USC Sec. 6363

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
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Sec. 6363. Establishment of leave banks

-STATUTE-

Each agency that establishes a leave bank program under section 6362 shall establish 1 or more leave banks in accordance with regulations prescribed by the Office of Personnel Management.

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2839.)

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6361 of this title.

5 USC Sec. 6364

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
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Sec. 6364. Establishment of Leave Bank Boards

-STATUTE-

(a)(1) Each agency that establishes a leave bank shall establish a Leave Bank Board consisting of 3 members, at least one of whom shall represent a labor organization or employee group, to administer the leave bank under the provisions of this subchapter, in consultation with the Office of Personnel Management.

(2) An agency may establish more than 1 Leave Bank Board based upon the administrative units within the agency. No more than 1 board may be established for each leave bank.

(b) Each such Board shall -

- (1) review and approve applications to the leave bank under section 6367;
- (2) monitor each case of a leave recipient; and
- (3) monitor the amount of leave in the leave bank and the number of applications for use of leave from the bank; and
- (4) maintain an adequate amount of leave in the leave bank to the greatest extent practicable.

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2839.)

5 USC Sec. 6365

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
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SUBCHAPTER IV - VOLUNTARY LEAVE BANK PROGRAM

Sec. 6365. Contributions of annual leave

-STATUTE-

(a)(1) An employee may, by written application to the Leave Bank Board, request that a specified number of hours be transferred from the annual leave account of such employee to the leave bank established by such agency.

(2) An employee may state a concern and desire to aid a specified proposed leave recipient or a leave recipient in the application filed under paragraph (1).

(b)(1) Upon approving an application under subsection (a), the employing agency of the leave contributor may transfer all or any part of the number of hours requested for transfer, except that the number of hours so transferred may not exceed the limitations under paragraph (2).

(2)(A) In any one leave year, a leave contributor may contribute no more than a total of one-half of the amount of annual leave such contributor would be entitled to accrue during the leave year in which the contribution is made.

(B) A leave contributor who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the

leave year under section 6304(a) may contribute no more than the number of hours remaining in the leave year (as of the date of the contribution) for which the leave contributor is scheduled to work and receive pay.

(c) The Leave Bank Board of a leave contributor may waive the limitations under subsection (b)(2). Any such waiver shall be in writing.

(d) The Office of Personnel Management shall prescribe regulations establishing an open enrollment period during which an employee may contribute leave under subsection (a) for a leave year.

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2840.)

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6361, 6366 of this title.

5 USC Sec. 6366

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
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Sec. 6366. Eligibility for leave recipients

-STATUTE-

(a) An employee is eligible to be a leave recipient if such employee -

(1) experiences a medical emergency and submits an application pursuant to section 6367(a); and

(2)(A) contributes the minimum number of hours as required under subsection (b) of accrued or accumulated annual leave to the leave bank of the employing agency of such employee, in the leave year (beginning in and including any part of a leave year in which such leave bank is established) that such employee

submits an application to be a leave recipient under section 6367(a); and

(B) such contribution is made before such employee submits an application under section 6367(a).

(b)(1) An employee shall contribute the minimum number of hours required under subsection (a)(2)(A), if such employee is an employee -

(A) for less than 3 years of service and contributes a minimum of 4 hours;

(B) for between 3 years and less than 15 years of service and contributes a minimum of 6 hours; or

(C) for 15 years or more of service and contributes a minimum of 8 hours.

(2) Notwithstanding the provisions of paragraph (1), the Leave Bank Board of an agency, after consultation with the Office of Personnel Management, may -

(A) reduce the minimum number of hours required under paragraph

(1) for any leave year, if such Board determines there is a surplus of leave in the leave bank; and

(B) increase the number of minimum hours required under paragraph (1) for the succeeding leave year, in any leave year in which the Board determines there is a shortage of leave in the leave bank.

(c) An employee shall meet the requirements of subsection (a)(2)(A) if such employee contributes the minimum number of hours as required under subsection (b) of accrued or accumulated annual leave to the leave bank with which such employee submits an application to be a leave recipient under section 6367(a).

(d) The provisions of subsection (a) may not be construed to limit the amount of the voluntary contribution of annual leave to a leave bank, which does not exceed the limitations of section 6365(b).

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2840.)

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6361, 6364, 6366 of this title.

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
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Sec. 6367. Receipt and use of leave from a leave bank

-STATUTE-

(a) An application to receive contributions of leave from a leave bank, whether submitted by or on behalf of an employee -

(1) shall be submitted to the Leave Bank Board of the employing agency of the proposed leave recipient; and

(2) shall include -

(A) the name, position title, and grade or pay level of the proposed leave recipient;

(B) the reasons why leave is needed, including a brief description of the nature, severity, anticipated duration, and, if it is a recurring one, the approximate frequency of the medical emergency involved;

(C) if such Board so requires, certification from 1 or more physicians, or other appropriate experts, with respect to any matter under subparagraph (B); and

(D) any other information which such Board may reasonably require.

If a Board requires that an employee obtain certification under paragraph (2)(C) from 2 or more sources, the agency shall ensure, either by direct payment to the expert involved or by reimbursement, that the employee is not required to pay for the expenses associated with obtaining certification from more than 1 of such sources.

(b) The Leave Bank Board of an employing agency may approve an application submitted under subsection (a).

(c) A leave recipient may use annual leave received from the leave bank established by the employing agency of such employee under this subchapter in the same manner and for the same purposes as if such leave recipient had accrued such leave under section 6303, except that any annual leave and, if applicable, any sick leave accrued or accumulated to the leave recipient shall be used before any leave from the leave bank may be used.

(d) Transferred annual leave -

(1) may accumulate without regard to any limitation under section 6304; and

(2) may be substituted retroactively for any period of leave without pay, or used to liquidate an indebtedness for any period of advanced leave, which began on or after a date fixed by the employing agency of the employee as the beginning of the medical emergency involved.

(e) Except to the extent that the Office of Personnel Management may prescribe regulations, nothing in the provisions of section 7351 shall apply to any solicitation, contribution, or use of leave to or from a leave bank under this subchapter.

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2841.)

5 USC Sec. 6368

01/03/95

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**TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
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SUBCHAPTER IV - VOLUNTARY LEAVE BANK PROGRAM**

Sec. 6368. Termination of medical emergency

-STATUTE-

(a) The medical emergency affecting a leave recipient shall, for purposes of this subchapter, be considered to have terminated on the date as of which -

(1) the leave recipient notifies the Leave Bank Board in writing, that the medical emergency no longer exists;

(2) the Leave Bank Board of such leave recipient determines, after written notice and opportunity for the leave recipient (or, if appropriate, another person acting on behalf of the leave recipient) to answer orally or in writing, that the medical emergency no longer exists; or

(3) the leave recipient is separated from service.

(b)(1) The Leave Bank Board of a recipient shall, consistent with guidelines prescribed by the Office of Personnel Management,

establish procedures to ensure that a leave recipient is not permitted to use or receive any transferred leave under this subchapter after the medical emergency terminates.

(2) Nothing in section 5551, 5552, or 6306 shall apply with respect to any annual leave transferred to a leave recipient under this subchapter.

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2842.)

5 USC Sec. 6369

01/03/95

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**TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
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Sec. 6369. Restoration of transferred leave

-STATUTE-

The Office of Personnel Management shall establish procedures under which any transferred leave remaining to the credit of a leave recipient when the medical emergency affecting the leave recipient terminates, shall be restored to the leave bank.

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2842.)

5 USC Sec. 6370

01/03/95

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**TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
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CHAPTER 63 - LEAVE
SUBCHAPTER IV - VOLUNTARY LEAVE BANK PROGRAM

Sec. 6370. Prohibition of coercion

-STATUTE-

(a) An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to contributing, receiving, or using annual leave under this subchapter.

(b) For the purpose of subsection (a), the term "intimidate, threaten, or coerce" includes promising to confer or conferring any benefit (such as an appointment, promotion, or compensation), or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2842.)

5 USC Sec. 6371

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
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Sec. 6371. Accrual of leave

-STATUTE-

While using leave made available to an employee from a leave bank, annual and sick leave shall accrue to the credit of such employee and shall become available for use by such employee in the same manner as provided for under section 6337.

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2843.)

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6373 of this title.

5 USC Sec. 6372

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
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Sec. 6372. Additional leave bank programs

-STATUTE-

(a) For the purpose of this section -

(1) the term "excepted agency" has the same meaning as such term is defined under section 6339(a)(1) of this title; and

(2) the term "head of an excepted agency" has the same meaning as such term is defined under section 6339(a)(2) of this title.

(b) Notwithstanding any other provision of this subchapter, neither an excepted agency nor any individual employed in or under an excepted agency may be included in a leave bank program established under any of the preceding provisions of this subchapter.

(c)(1) The head of an excepted agency may, by regulation, establish a voluntary leave bank program under which annual leave accrued or accumulated by an employee of such agency may be contributed to a leave bank, and any other employee of such agency may receive additional leave from such leave bank because of a medical emergency.

(2) To the extent practicable, and consistent with the protection of intelligence sources and methods (if applicable), each program under this section shall be established in a manner consistent with the provisions of this subchapter applicable to the program.

(d) The Office of Personnel Management shall provide the head of an excepted agency with such advice and assistance as the head of such agency may request in order to carry out the purposes of this section.

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2843.)

5 USC Sec. 6373

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III - EMPLOYEES
Subpart E - Attendance and Leave
CHAPTER 63 - LEAVE
SUBCHAPTER IV - VOLUNTARY LEAVE BANK PROGRAM

Sec. 6373. Authority to participate in both programs

-STATUTE-

(a) The Office of Personnel Management shall prescribe regulations under which an employee participating in a leave bank program under this subchapter may, subject to such terms or conditions as the Office may establish, also make or receive donations of leave under subchapter III.

(b) Notwithstanding any provision of section 6337 or 6371, if an employee uses leave transferred to such employee under subchapter III and leave made available to such employee under this subchapter in connection with the same medical emergency, the maximum number of days of annual leave and sick leave, respectively, which may accrue to such employee in connection with such medical emergency shall be the same as if all of that leave had been made available to such employee under this subchapter.

-SOURCE-

(Added Pub. L. 100-566, Sec. 2(a), Oct. 31, 1988, 102 Stat. 2843; amended Pub. L. 103-103, Sec. 5(a)(1), Oct. 8, 1993, 107 Stat. 1023.)

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AMENDMENTS

1993 - Pub. L. 103-103 substituted "Authority to participate in both programs" for "Limitation on employee participation" in

section catchline and amended text generally. Prior to amendment, text read as follows: "An employee in a unit of an agency that establishes a leave bank program under the provisions of this subchapter may not participate in a leave transfer program under the provisions of subchapter III."

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-103 effective as of the 120th day after Oct. 8, 1993, or such earlier date as the Office of Personnel Management may by regulation prescribe, see section 6 of Pub. L. 103-103, set out as a note under section 6331 of this title.

5 USC SUBCHAPTER V - FAMILY AND MEDICAL LEAVE

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
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SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 2105 of this title;
title 29 section 2611; title 42 section 12631.

5 USC Sec. 6381

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
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Sec. 6381. Definitions

-STATUTE-

For the purpose of this subchapter -

(1) the term "employee" means any individual who -

(A) is an "employee", as defined by section 6301(2), including any individual employed in a position referred to in clause (v) or (ix) of section 6301(2), but excluding any individual employed by the government of the District of Columbia and any individual employed on a temporary or intermittent basis; and

(B) has completed at least 12 months of service as an employee (within the meaning of subparagraph (A));

(2) the term "health care provider" means -

(A) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; and

(B) any other person determined by the Director of the Office of Personnel Management to be capable of providing health care services;

(3) the term "parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter;

(4) the term "reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee;

(5) the term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves

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(A) inpatient care in a hospital, hospice, or residential medical care facility; or

(B) continuing treatment by a health care provider; and

(6) the term "son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is -

(A) under 18 years of age; or

(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

-SOURCE-

(Added Pub. L. 103-3, title II, Sec. 201(a)(1), Feb. 5, 1993, 107 Stat. 19.)

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EFFECTIVE DATE

Subchapter effective 6 months after Feb. 5, 1993, see section

405(b)(1) of Pub. L. 103-3, set out as a note under section 2601 of Title 29, Labor.

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 12631.

5 USC Sec. 6382

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
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Sec. 6382. Leave requirement

-STATUTE-

(a)(1) Subject to section 6383, an employee shall be entitled to a total of 12 administrative workweeks of leave during any 12-month period for one or more of the following:

(A) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.

(B) Because of the placement of a son or daughter with the employee for adoption or foster care.

(C) In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.

(D) Because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

(2) The entitlement to leave under subparagraph (A) or (B) of paragraph (1) based on the birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.

(b)(1) Leave under subparagraph (A) or (B) of subsection (a)(1) shall not be taken by an employee intermittently or on a reduced leave schedule unless the employee and the employing agency of the employee agree otherwise. Subject to paragraph (2), subsection (e)(2), and section 6383(b)(5), leave under subparagraph (C) or (D)

of subsection (a)(1) may be taken intermittently or on a reduced leave schedule when medically necessary. In the case of an employee who takes leave intermittently or on a reduced leave schedule pursuant to this paragraph, any hours of leave so taken by such employee shall be subtracted from the total amount of leave remaining available to such employee under subsection (a), for purposes of the 12-month period involved, on an hour-for-hour basis.

(2) If an employee requests intermittent leave, or leave on a reduced leave schedule, under subparagraph (C) or (D) of subsection (a)(1), that is foreseeable based on planned medical treatment, the employing agency may require such employee to transfer temporarily to an available alternative position offered by the employing agency for which the employee is qualified and that -

(A) has equivalent pay and benefits; and

(B) better accommodates recurring periods of leave than the regular employment position of the employee.

(c) Except as provided in subsection (d), leave granted under subsection (a) shall be leave without pay.

(d) An employee may elect to substitute for leave under subparagraph (A), (B), (C), or (D) of subsection (a)(1) any of the employee's accrued or accumulated annual or sick leave under subchapter I for any part of the 12-week period of leave under such subsection, except that nothing in this subchapter shall require an employing agency to provide paid sick leave in any situation in which such employing agency would not normally provide any such paid leave.

(e)(1) In any case in which the necessity for leave under subparagraph (A) or (B) of subsection (a)(1) is foreseeable based on an expected birth or placement, the employee shall provide the employing agency with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subparagraph, except that if the date of the birth or placement requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

(2) In any case in which the necessity for leave under subparagraph (C) or (D) of subsection (a)(1) is foreseeable based on planned medical treatment, the employee -

(A) shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employing agency, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, or parent of the employee, as appropriate; and

(B) shall provide the employing agency with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subparagraph, except that if the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

-SOURCE-

(Added Pub. L. 103-3, title II, Sec. 201(a)(1), Feb. 5, 1993, 107 Stat. 20.)

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6383, 6384, 6386 of this title.

5 USC Sec. 6383

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
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SUBCHAPTER V - FAMILY AND MEDICAL LEAVE

Sec. 6383. Certification

-STATUTE-

(a) An employing agency may require that a request for leave under subparagraph (C) or (D) of section 6382(a)(1) be supported by certification issued by the health care provider of the employee or of the son, daughter, spouse, or parent of the employee, as appropriate. The employee shall provide, in a timely manner, a copy of such certification to the employing agency.

(b) A certification provided under subsection (a) shall be sufficient if it states -

- (1) the date on which the serious health condition commenced;
- (2) the probable duration of the condition;
- (3) the appropriate medical facts within the knowledge of the health care provider regarding the condition;
- (4)(A) for purposes of leave under section 6382(a)(1)(C), a

statement that the employee is needed to care for the son, daughter, spouse, or parent, and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse, or parent; and

(B) for purposes of leave under section 6382(a)(1)(D), a statement that the employee is unable to perform the functions of the position of the employee; and

(5) in the case of certification for intermittent leave, or leave on a reduced leave schedule, for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment.

(c)(1) In any case in which the employing agency has reason to doubt the validity of the certification provided under subsection (a) for leave under subparagraph (C) or (D) of section 6382(a)(1), the employing agency may require, at the expense of the agency, that the employee obtain the opinion of a second health care provider designated or approved by the employing agency concerning any information certified under subsection (b) for such leave.

(2) Any health care provider designated or approved under paragraph (1) shall not be employed on a regular basis by the employing agency.

(d)(1) In any case in which the second opinion described in subsection (c) differs from the original certification provided under subsection (a), the employing agency may require, at the expense of the agency, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employing agency and the employee concerning the information certified under subsection (b).

(2) The opinion of the third health care provider concerning the information certified under subsection (b) shall be considered to be final and shall be binding on the employing agency and the employee.

(e) The employing agency may require, at the expense of the agency, that the employee obtain subsequent recertifications on a reasonable basis.

-SOURCE-

(Added Pub. L. 103-3, title II, Sec. 201(a)(1), Feb. 5, 1993, 107 Stat. 21.)

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6382 of this title.

5 USC Sec. 6384

01/03/95

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TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
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Sec. 6384. Employment and benefits protection

-STATUTE-

(a) Any employee who takes leave under section 6382 for the intended purpose of the leave shall be entitled, upon return from such leave -

(1) to be restored by the employing agency to the position held by the employee when the leave commenced; or

(2) to be restored to an equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment.

(b) The taking of leave under section 6382 shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

(c) Except as otherwise provided by or under law, nothing in this section shall be construed to entitle any restored employee to -

(1) the accrual of any employment benefits during any period of leave; or

(2) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(d) As a condition to restoration under subsection (a) for an employee who takes leave under section 6382(a)(1)(D), the employing agency may have a uniformly applied practice or policy that requires each such employee to receive certification from the health care provider of the employee that the employee is able to resume work.

(e) Nothing in this section shall be construed to prohibit an employing agency from requiring an employee on leave under section 6382 to report periodically to the employing agency on the status and intention of the employee to return to work.

-SOURCE-

(Added Pub. L. 103-3, title II, Sec. 201(a)(1), Feb. 5, 1993, 107 Stat. 22.)

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
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Sec. 6385. Prohibition of coercion

-STATUTE-

(a) An employee shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with the exercise of any rights which such other employee may have under this subchapter.

(b) For the purpose of this section -

(1) the term "intimidate, threaten, or coerce" includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or taking or threatening to take any reprisal (such as deprivation of appointment, promotion, or compensation); and

(2) the term "employee" means any "employee", as defined by section 2105.

-SOURCE-

(Added Pub. L. 103-3, title II, Sec. 201(a)(1), Feb. 5, 1993, 107 Stat. 22.)

5 USC Sec. 6386

01/03/95

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
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Sec. 6386. Health insurance

-STATUTE-

An employee enrolled in a health benefits plan under chapter 89 who is placed in a leave status under section 6382 may elect to continue the health benefits enrollment of the employee while in such leave status and arrange to pay currently into the Employees Health Benefits Fund (described in section 8909), the appropriate employee contributions.

-SOURCE-

(Added Pub. L. 103-3, title II, Sec. 201(a)(1), Feb. 5, 1993, 107 Stat. 23.)

5 USC Sec. 6387

01/03/95

TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES

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Sec. 6387. Regulations

-STATUTE-

The Office of Personnel Management shall prescribe regulations necessary for the administration of this subchapter. The regulations prescribed under this subchapter shall, to the extent appropriate, be consistent with the regulations prescribed by the Secretary of Labor to carry out title I of the Family and Medical Leave Act of 1993.

-SOURCE-

(Added Pub. L. 103-3, title II, Sec. 201(a)(1), Feb. 5, 1993, 107

Stat. 23.)

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REFERENCES IN TEXT

The Family and Medical Leave Act of 1993, referred to in text, is Pub. L. 103-3, Feb. 5, 1993, 107 Stat. 6. Title I of the Act is classified generally to subchapter I (Sec. 2611 et seq.) of chapter 28 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29 and Tables.